

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,) CRIMINAL CASE NO.
Plaintiff,) RDB-20-139
vs.)
ANDRE RICARDO BRISCOE,) JURY TRIAL DAY 7
Defendant.) MARTIN DaSHIELDS (CONT.)
MATTHEW WILDE
KIARA HAYNES

BEFORE THE HONORABLE RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE
WEDNESDAY, JUNE 1, 2022
BALTIMORE, MARYLAND

For the Plaintiff:
Dana Brusca, AUSA

Paul Budlow, AUSA

For the Defendant:
Teresa Whalen, Esq.

William Purpura, Esq.

Also Present: Javon Weaver, Special Agent ATF

Jeffrey Kelly, Special Agent, FBI

Andrew Murray, Paralegal

Robert Cadle, Paralegal

(Computer-aided transcription of stenotype notes.)

Reported by:

Melissa L. Clark, RPR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
Baltimore, Maryland 21201

P R O C E E D I N G S

(10:04 a.m.)

THE CLERK: The United States District Court for the District of Maryland is not in session. The Honorable Richard D. Bennett is presiding.

THE COURT: Good morning, everyone. We're ready to continue with Mr. DaShields. Unless there are any other preliminary matters, we'll bring Mr. DaShields in.

Yes, Ms. Brusca?

MS. BRUSCA: Just a very tiny one, Your Honor.

THE COURT: Sure.

MS. BRUSCA: There were a couple of exhibits on redirect that the Government hadn't -- that we said out loud, but we hadn't had physically yet, the audio and video recordings of the Grand Jury transcripts.

So we have those now to give to the clerk, I just wanted to let the Court know.

THE COURT: All right. Okay.

MS. BRUSCA: I think they're in, but...

THE COURT: I think they're in evidence already anyway, so that's fine.

MS. BRUSCA: Okay. Perfect.

THE COURT: All right. The transcripts aren't but the -- or the Grand Jury transcript is in evidence, the entire transcript of the Grand Jury is in evidence under

1 801(d)(1)(B). Actually, just so we're clear, my ruling was
2 under Rule 801(d)(1)(B), yes, so it's admissible.

3 All right. With that, we're ready to bring Mr. DaShields
4 back in, and we'll re-swear him once the jury gets in. And
5 with that Mr. Gurevich, you can get the jury.

6 Good morning, Mr. DaShields. Just come over here sir,
7 stand over the clerk's desk, we're going to be re-swearing you
8 again this morning.

9 (Witness resumes stand.)

10 **THE CLERK:** All rise for the jury.

11 (Jury enters courtroom 10:07 a.m.)

12 **THE COURT:** Good morning, everyone.

13 (Collective greetings.)

14 **THE COURT:** Nice to see you all bright and early.

15 All right. So with that, we're ready to continue. If
16 you'll re-swear the witness, please.

17 **THE WITNESS:** Yes, I do.

18 **MARTIN DaSHIELDS,** having been duly sworn, was examined
19 and testified as follows:

20 **THE CLERK:** Thank you. You may have a seat.

21 **THE COURT:** Thank you, Mr. DaShields.

22 **THE CLERK:** Please re-state your name for the
23 record, please.

24 **THE WITNESS:** Yes. My name is Martin DaShields.

25 **THE COURT:** Thank you, keep your voice up and speak

1 into the microphone with your mask still on. And with that,
2 Ms. Whalen we'll proceed with cross-examination.

3 **MS. WHALEN:** Thank you, Your Honor.

4 D I R E C T E X A M I N A T I O N

5 **BY MS. WHALEN:**

6 Q. Good morning, Mr. DaShields.

7 A. Good morning.

8 Q. Yesterday, you told us that when Kiara Haynes first
9 talked to you about picking her up, that she made it seem like
10 she didn't have a ride, and that she had her son with her; is
11 that correct?

12 A. No. She didn't say she had her son with her. She said
13 something about she just wanted to get home to make sure her
14 son was okay.

15 Q. Oh, I see, all right.

16 So your impression was the son was at home, she was out
17 and about; correct?

18 A. She didn't a hundred percent specify if he was home, but
19 she said she wanted to get home because she wanted to make
20 sure he was okay to get to school or something. She didn't
21 say if he was there at the house or not.

22 Q. All right. Did she, in these several different phone
23 calls where you indicated you ignored some of them, did she
24 seem upset when you finally talked to her the next time after
25 ignoring the calls?

1 A. No, she seemed, like, basically like she was stuck, like
2 she didn't have any other ride. She didn't have any other way
3 to get back to west Baltimore, and I was the only person that
4 could help out.

5 Q. Okay. And then at some point you relent or you give in
6 and say, I'll get you, right?

7 A. Yes, that's correct.

8 Q. And when she came out, she was followed by a man;
9 correct?

10 A. No, not right away. She came out first and, I guess,
11 give it elapsed time maybe about two minutes, two and a half
12 minutes, the African-American male followed out.

13 Q. You had never seen the man before, right?

14 A. No, ma'am.

15 Q. And you've never seen him since to your knowledge, right?

16 A. No.

17 Q. And they all get in your car, or the both of them get in
18 your car; is that correct?

19 A. Yes.

20 Q. And he's -- the male, is in the back seat in the
21 passenger's side, right?

22 A. Yes. Backseat passenger's side.

23 Q. And you were introduced to him, you believe; correct?

24 A. Yeah, that was a short introduction, yes.

25 Q. And to this day, you don't recall a name if there was a

1 name given to the man?

2 A. I don't want to say the wrong one, but...

3 Q. All right. Now, at some point as you're driving you look
4 in your rearview mirror; correct?

5 A. I think I -- later on in the ride, I think so. I think I
6 did.

7 Q. So you can see the man in the passenger's seat in the
8 back?

9 A. Yeah, I -- I could see him. My car at the time didn't
10 have inside lighting.

11 Q. Okay.

12 A. So it wasn't a clear visual. It wasn't -- no, I see his
13 outline. I could see his complexion and stuff, but it wasn't
14 -- it just wasn't that clear a visual.

15 Q. All right. And complexion you told us yesterday was
16 medium brown skin; correct?

17 A. Medium brown skin, yeah. About medium, closer to the
18 lighter. Like a little bit darker than me, but not too dark,
19 I guess.

20 Q. Now, the -- at some point, you got enough of a look to
21 make that determination about skin color; correct?

22 A. Yes.

23 Q. And how long would you say the man was in the back
24 passenger's seat?

25 A. From the ride -- from the ride from east Baltimore to

1 west Baltimore and the ride from the stop on Edmondson Avenue
2 to Wilmington West Apartments, I don't know, a total time? I
3 guess, you would say two hours.

4 Q. Two hours total?

5 A. Maybe something like that.

6 Q. And what time do you think it was when you picked her up?

7 A. About maybe 10:30, something like that.

8 Q. All right. Now, you indicated yesterday that you were
9 paying attention to the time; correct?

10 A. Yeah, because I was, kind of, just -- I didn't even want
11 to be out at that time, so it was like...

12 Q. And that's because the streets can be dangerous; is that
13 right?

14 A. Depending on where you're at, yes. Very dangerous.

15 Q. And in the area of Edmondson and Warwick, is there drug
16 activity in that area?

17 A. Yes, a very high amount.

18 Q. A high amount?

19 A. Yes.

20 Q. And were you also paying attention to the time because
21 you had to work the next day?

22 A. Yes, that's correct.

23 Q. All right. And so you didn't want to be out later
24 than -- strike that.

25 You didn't want to be out at all?

1 A. At all, no.

2 Q. Now, at some point you said that Kiara Haynes came back
3 to the car with a bag, right?

4 A. Yes.

5 Q. And you thought it was like a -- something that was
6 inside the bag, right?

7 A. Yeah, it looked like a plastic, kind of, supermarket bag.

8 Q. All right. And to your knowledge and what you believe,
9 is that there was something inside the bag, it wasn't empty,
10 right?

11 A. Yes, it looked like stuff or maybe some type of clothing.
12 Clothing or -- it was something in it. You know, it wasn't
13 flat.

14 Q. Did she show you what was in the bag?

15 A. No.

16 Q. And she held onto the bag; correct?

17 A. Yes.

18 Q. And at some point, she used the term "joint," you
19 believe; is that right?

20 A. Yeah, I don't want to -- yeah, I don't want to be wrong
21 but it was either joint or Tone, one of those -- one of the
22 slang terms for a weapon.

23 Q. A slang term for a firearm; correct?

24 A. Yes.

25 Q. And when you were talking to her after you got to her

1 apartment complex, outside of your car, she still had the bag?

2 A. Yes.

3 Q. Did she talk about the joint then or whatever slang word
4 it was?

5 A. No.

6 Q. And do you recall her saying things to you about what she
7 was going to do with that gun?

8 A. No.

9 Q. Do you remember if she said to you anything about what
10 she's going to do, anything at all?

11 A. No.

12 Q. Do you remember her telling you, and pardon my language,
13 but she's going to rob someone and you saying to her, are you
14 sure you want to do this?

15 A. No, I don't remember a conversation about her robbing
16 anybody. I do remember she did -- she did say that she was
17 going to make a good come-up off of the amount of dope sales
18 and...

19 Q. Okay. So she was going to, in your mind, pay you back
20 later from that?

21 A. Excuse me?

22 Q. In your mind, she was going to pay you for the ride
23 later?

24 A. Yeah, that's what she -- she said she would pay me for
25 the ride later on.

1 Q. And do you recall her ever saying to you that she didn't
2 give a fuck or f-u-c-k about a woman?

3 A. I'm not sure. That's new to me. I don't know.

4 Q. You don't recall that?

5 A. No.

6 **MS. WHALEN:** Now, Court's indulgence one moment.

7 **THE COURT:** Take your time.

8 **BY MS. WHALEN:**

9 Q. She seemed excited, though, when she was talking about
10 the future and how she was going to pay you, right?

11 A. Yeah, for me knowing her, like she had a lot of money
12 problems. And yeah, she, kind of, thought it was a step-up
13 kind of thing. Like, she was going to be fine financially for
14 a while, I guess, to her. I don't know.

15 Q. And she had an addiction, at the time, to pain pills or
16 opioids, right?

17 A. Yes.

18 Q. And was that an ongoing addiction for a long period of
19 time, to your knowledge?

20 A. Yeah, from what I remember, it started around maybe, I
21 guess, like 2012. No, 2011, 2012 kind of era, that picked up.

22 Q. It picked up?

23 A. Her addiction with --

24 Q. How would you describe it in 2015?

25 A. Beyond anything I was -- it was out of my realm at that

1 point. Like, it was beyond me, like, I've been around people
2 with addictions, but people that spend daily and do things
3 daily for it, that's out of my -- I don't know at that point.

4 Q. Were you concerned about her because of the addiction?

5 A. A little bit, yeah. A little bit.

6 Q. You saw it increasing over time; is that correct?

7 A. Yes.

8 Q. And her conduct would increase or change over time based
9 upon how much she was using; is that right?

10 A. I would say that's true because it got to a point where,
11 yeah, she changed from the person that I knew, and I was used
12 to being around. She got more in-depth into just negative
13 stuff and negative thinking, and -- yeah, that's my big reason
14 why we just didn't spend much time together anymore.

15 Q. Now, even though you didn't get a great look at the man
16 in the backseat, you were able to tell us about skin color,
17 shape of the face, that kind of thing, right?

18 A. Yes.

19 Q. Do you remember when law enforcement officers interviewed
20 you about what you knew?

21 A. Yes.

22 Q. And they showed you a whole bunch of pictures, right?

23 A. Yes.

24 Q. Asking you to see if you could pick out the person that
25 was in the backseat of your car, right?

1 A. Yes.

2 Q. And were they all men or were some women in there, too?

3 A. There were men and women in the photo.

4 Q. And do you remember there was about 38 photos?

5 A. I don't remember exactly, but there was a lot of photos,
6 yeah, a lot.

7 Q. And you were able to tell the law enforcement that one
8 photo looked like the guy who was in the backseat of your car,
9 right?

10 A. To the best of my memory, that's -- it looked closest to
11 what I remember he looked like.

12 Q. All right. I'm going to show you what's Defendant
13 Exhibit No. 78.

14 Mr. Gurevich, can I get -- oh, it's on. I apologize.

15 **THE COURT:** This is Defendant's Exhibit Number --

16 **MS. WHALEN:** 78.

17 **THE COURT:** -- 78, which will come into evidence.

18 **BY MS. WHALEN:**

19 Q. Does this appear to be the photograph that you said
20 looked like the guy that was in the backseat of my car?

21 A. Similar without the beard, yeah. There was no beard, and
22 very, very short haircut. It wasn't that outlined. It was a
23 short, almost bald haircut.

24 Q. Does the name Jaron Laws mean anything to you?

25 A. No.

1 Q. You don't know that person?

2 A. No.

3 Q. And you mentioned that it was about two hours you were
4 with Kiara and this man, right?

5 A. Yeah, I would say a good bulk of the time was me waiting
6 for them at the Edmondson Avenue location.

7 Q. Okay.

8 A. Other than that, I was just driving, but I didn't look
9 that much into the backseat at him.

10 Q. All right. And to the best of your recollection, what
11 time did you drop them off at Ms. Haynes's apartment complex?

12 A. It could have been close to about -- it could have been
13 close to around 11:30 to midnight, something like that.

14 **MS. WHALEN:** Thank you very much, Mr. DaShields.

15 **THE WITNESS:** You're welcome.

16 **THE COURT:** Thank you very much, Ms. Whalen.

17 Any Redirect Examination, Mr. Budlow?

18 **MR. BUDLOW:** Yes. Thank you.

19 R E C R O S S - E X A M I N A T I O N

20 **BY MR. BUDLOW:**

21 Q. Good morning.

22 A. Good morning.

23 Q. You just said in response to Ms. Whalen's questions that
24 the individual in that photo was the closest. Did you mean
25 closest of all of the photos you looked like?

1 A. Yeah, just off of memory. Just --

2 Q. And do you remember your exact words when you looked at
3 the photo?

4 A. When I looked at the photo line up?

5 Q. Right. Do you remember the exact words that you said to
6 the agent?

7 A. Not exact words, but I was just saying if I'm wrong,
8 forgive me. Like, because my vision wasn't a hundred percent
9 clear, but...

10 **MR. BUDLOW:** Your Honor, this will be Government's
11 Exhibit, for identification purposes only, 17.15.

12 **THE COURT:** 17.15 for identification only at this
13 time.

14 **BY MR. BUDLOW:**

15 Q. I want you to take a look at this. Just read to yourself
16 the part that's highlighted after the name Jaron Laws?

17 A. Okay. So you want me to --

18 Q. Just read to yourself the highlighted part.

19 Does that refresh your recollection as to your exact
20 words upon reviewing that photograph?

21 A. Yeah, I just stated that I wasn't a hundred percent sure,
22 but to my memory, like, that just appeared from the photos I
23 was looking at, that appeared to be the person in the
24 backseat.

25 Q. Right. Did you say not sure?

1 A. Yeah, just --

2 Q. And did you say, kind of, looks like the person sitting
3 in the backseat?

4 A. From the photos I've seen, that was the closest
5 resemblance.

6 Q. And did you say not looking at the person to remember?
7 Is that what --

8 A. Yeah, I didn't take a mental snapshot.

9 Q. And you mentioned earlier on cross-examination that it
10 was nighttime when you arrived at the Perkins Projects, so it
11 was dark out; is that right?

12 A. Yes, that's right.

13 Q. And you said you don't even have an interior light in
14 your Crown Vic, right?

15 A. No, I had a 2001 Mercedes at the time, the interior light
16 didn't --

17 Q. Confusing witnesses. Sorry. You had a -- say it again,
18 2001 Mercedes?

19 A. 2001 Mercedes S430.

20 Q. And no interior light?

21 A. No.

22 Q. So when Ms. Haynes and the other person got in and out of
23 the car the few times that you've described, no interior light
24 went on to illuminate the inside?

25 A. No, I didn't have an interior light for a while at that

1 point.

2 Q. Okay. And I believe you testified on direct examination
3 yesterday that you did not get a good look at the person; is
4 that accurate?

5 A. No, not that great. I mean, I glanced at him because I
6 handed him a cigarette.

7 Q. And that's because he was behind you?

8 A. Yes.

9 Q. So the time that -- other than that time that you glanced
10 at him, and when he got in the car, he was behind you; is that
11 right?

12 A. Yes, that's correct.

13 Q. And you were driving?

14 A. Yes.

15 Q. So when you were driving at least, you were looking
16 forward?

17 A. That's what I'm told to do as a professional driver.

18 Q. So you weren't able to see the person in the back?

19 A. No, I didn't, at the time care to look too hard, no.
20 Sorry.

21 **MR. BUDLOW:** Court's indulgence.

22 Thank you, Your Honor. That's all I have.

23 **THE COURT:** Thank you. Mr. Budlow.

24 **MS. WHALEN:** Your Honor, one question.

25 **THE COURT:** Any recross just on this redirect,

1 Ms. Whalen?

2 **MS. WHALEN:** Yes.

3 R E C R O S S - E X A M I N A T I O N

4 **BY MS. WHALEN:**

5 Q. Sir, you said you handed the man a cigarette; is that
6 correct?

7 A. Yes, I did. Can I take it back? All right, the events
8 are a little foggy to me. I do remember -- all right. He
9 asked me for a cigarette. I'm trying to break it down second
10 by second, okay. He asked me for a cigarette. I did give him
11 one. He said, is it okay if I light it? I said, yeah, it's
12 fine. And that's what I -- the longest look I got at him was
13 at that point.

14 Q. All right. And were you in the car at that time?

15 A. Yes, I was driving.

16 Q. So you turned to give a cigarette to the person in the
17 back?

18 A. Yes.

19 **MS. WHALEN:** All right. Thank you, Mr. DaShields.

20 **THE WITNESS:** You're welcome.

21 **THE COURT:** Thank you very much, Mr. DaShields. You
22 can step down.

23 Sir, you shouldn't discuss your testimony with anyone in
24 the event you're called back to the witness stand until this
25 trial concludes.

1 **THE WITNESS:** Yes, understood.

2 **THE COURT:** Thank you very much.

3 **THE WITNESS:** You're welcome.

4 **THE COURT:** All right. The next witness, Ms.
5 Brusca.

6 **MS. BRUSCA:** Thank you, Your Honor. The Government
7 calls Matt Wilde.

8 **THE CLERK:** If you could just remain standing and
9 raise your right hand for me, please.

10 **MATTHEW WILDE,** having been duly sworn, was examined and
11 testified as follows:

12 **THE WITNESS:** I do.

13 **THE CLERK:** Have a seat. And while speaking clearly
14 into the microphone, can you please state and spell your full
15 name for the record.

16 **THE WITNESS:** My name is Matthew Wilde,
17 M-a-t-t-h-e-w, W-i-l-d-e.

18 **THE COURT:** Good morning, Mr. Wilde. The standing
19 orders of this Court provide that masks are to be worn in all
20 public areas of the courthouse with the exception of in the
21 courtroom. In the discretion of the Presiding Judge, masks
22 may be pulled down and not worn by witnesses or participants
23 in the trial if they have been fully vaccinated, meaning that
24 they've had two vaccinations or one by Johnson & Johnson.

25 Have you been fully vaccinated?

1 **THE WITNESS:** Yes, sir.

2 **THE COURT:** All right. So then you're welcome to
3 pull your mask down or take it off while testifying. You
4 don't have to, but you're welcome to do so.

5 **THE WITNESS:** Thank you.

6 **THE COURT:** And with that, you may proceed,
7 Ms. Brusca.

8 **MS. BRUSCA:** Thank you, Your Honor.

9 D I R E C T E X A M I N A T I O N

10 **BY MS. BRUSCA:**

11 Q. Agent Wilde, where do you work?

12 A. I'm a special agent with the FBI.

13 Q. And how long have you been with the FBI?

14 A. A little bit over 12 years.

15 Q. What is your educational background?

16 A. I have a Bachelor's degree in business administration and
17 with a concentration in accounting.

18 Q. And what did you do before you joined the FBI?

19 A. Before I joined the FBI, I was a sheriff's deputy and
20 investigator at the Spartanburg County, South Carolina
21 Sheriff's Department for about ten years.

22 Q. And what duties have you had during the 12 years you've
23 been with the FBI?

24 A. I was initially assigned to the Baltimore field office
25 but I worked down in the Rockville office where I worked white

1 collar crimes, gangs, and violent crime. And then also worked
2 in the Prince George's County Office where I worked violent
3 crime across the border between PG County, Washington, D.C.,
4 and Montgomery County.

5 I went back to Rockville to work gangs and drugs, and
6 then in 2015, I was assigned to the violent crimes squad here
7 in the Baltimore main office. And from about 2015, 2019, I
8 primarily worked with the Baltimore City city-wide robbery
9 unit investigating robberies, homicides, kidnappings, those
10 types of things.

11 In 2019, I was transferred to FBI headquarters still
12 working in the Baltimore Field Office, and then in 2020, I
13 transferred to South Carolina, so I'm still assigned to FBI
14 headquarters, but I work in the area in northern South
15 Carolina near Charlotte, North Carolina.

16 Q. And is there a section of the FBI called the CAST unit?

17 A. Yes.

18 Q. What is the CAST unit?

19 A. CAST is the Cellular Analysis Survey Team. It's a group
20 of about 80 special agents and task force officers. And what
21 we do is we specialize in the analysis of historical call
22 detail records and other location data.

23 Q. So during your time at the FBI, have you been a member of
24 the CAST unit?

25 A. I have. I've been a certified member of the CAST unit

1 since 2016.

2 Q. And when you say that there are about 80 of you, is that
3 -- I think you might have said, is it Nationwide or a certain
4 geographical area?

5 A. It is nationwide.

6 Q. And how are you selected to be a member of the CAST team?

7 A. Well, I went to a basic CAST course in 2012, where we
8 learned how to read the records that we can get from the phone
9 carriers, the providers, and put them on a very basic map. I
10 used that technique in every one of my cases between 2012 and
11 2016.

12 In 2016, I was selected to go to an advanced course,
13 which was a week long. During that course, we learned -- we
14 took a deeper dive into the types of records we could get from
15 the carriers. And then after I passed that course, I was
16 selected to go to the CAST certification, which at that time
17 was four weeks. The first week was radiofrequency theory, so
18 we learned how radio waves traveled between a phone and the
19 cellular antennas.

20 The second week we met with each one of the carriers, so
21 we met with Sprint, AT&T, Verizon, T-Mobile, and U.S.
22 Cellular. In those meetings, we met with the records
23 custodians. Those are the folks that provide the records to
24 law enforcement when they're requested. We also met with the
25 network engineers. Those are the people that design and

1 maintain the network.

2 The third week, we do drive testing. So we have a piece
3 of equipment, I have a piece of equipment I can put in my car.
4 I can drive around a specific cell phone tower and figure out
5 how far that tower reaches. And then the final week, we did a
6 moot court exercise, where we were given a real case. We had
7 to read the records, generate a map, go out and do the drive
8 test and then testify to it. And at that point, I was
9 certified, so that's how I became certified.

10 Q. Okay. And apart from the CAST certification, are there
11 any others or is that, sort of, the certification that you
12 need for CAST?

13 A. That's the certification you need to become a CAST team
14 member.

15 Q. Okay. And in your role as a CAST team member, have you
16 provided training to other folks --

17 A. Yes.

18 Q. Go ahead.

19 -- in connection with cell site analysis?

20 A. Yes, ma'am. I've taught the basic project pinpoint
21 course about 15 times. I've taught the advanced course on
22 three occasions. We put a new course into the training
23 curriculum called Critical Incident Readiness Assessment, I've
24 taught that on one occasion. And I've been a presenter --
25 I've been an evaluator for the moot court portion in 2019 and

1 2021. And then I've also presented in London, England this
2 year to a group that does pretty much what we do over there as
3 well.

4 Q. And that's a lot -- that's a lot of training.

5 Apart from that, about how many times would you estimate
6 that you've analyzed cell phone records, first just as an
7 agent in the FBI, and then as part of the CAST team?

8 **MR. PURPURA:** We'll stipulate to his expertise in
9 this field.

10 **THE COURT:** Yeah, that's fine. Thank you very much.

11 **MS. BRUSCA:** Go ahead.

12 **THE COURT:** Any question on that, Ms. Brusca?
13 That's accepted?

14 **MS. BRUSCA:** That's fine.

15 **THE COURT:** Ladies and gentlemen, Agent Wilde has
16 been qualified as an expert in Cellular Analysis Survey in
17 terms of cell phone towers and site locations and what have
18 you.

19 As I've previously mentioned with other witnesses who are
20 qualified as experts, it means he's permitted to give his
21 opinion in an area. Normally witnesses are not allowed to
22 give their opinion. It's always up to the jury whether to
23 accept or reject any portion of any testimony, including an
24 expert, but agent Wilde is qualified to give his expert
25 opinion in terms of cellular telephone analysis.

1 Thank you very much. You may proceed, Ms. Brusca.

2 MS. BRUSCA: Thank you, Your Honor.

3 BY MS. BRUSCA:

4 Q. So Agent Wilde, I was asking how many cases you think
5 you've analyzed cell phone records?

6 A. Well, over a thousand cases, which -- I mean, most cases
7 are not one set of records, so a lot of cases are two to
8 three, four sets of records. So thousands and thousands of
9 sets and call detail records I've analyzed.

10 Q. And how many times have you testified in court before
11 this?

12 A. 129 times.

13 Q. And is that -- which courts are those?

14 A. Here in this court, here in Baltimore, also down in
15 Greenbelt in Federal court, local courts in Maryland. I've
16 testified in Prince George's, Anne Arundel, Baltimore County,
17 Baltimore City, Dorchester County, Pennsylvania. I've
18 testified in Luzerne County, Cumberland County, Berkeley
19 County, West Virginia, Aiken County, South Carolina. Federal
20 court in the Southern District of Georgia, and then Federal
21 court in the Western District of North Carolina, and then I
22 just testified in Guilford County, North Carolina also.

23 Q. Well, thank you Agent Wilde.

24 And did you review cell phone records and complete
25 analyses of cell phone records in this case?

1 A. Yes, I did.

2 Q. And did you prepare a PowerPoint to assist you in the
3 explanation of your analysis?

4 A. Yes, ma'am.

5 Q. And I'm going to put up Government's 11.1?

6 **THE COURT:** Government's Exhibit 11.1 the Cellular
7 Analysis Survey Team report is accepted into evidence.

8 **MS. BRUSCA:** Thank you, Your Honor.

9 **BY MS. BRUSCA:**

10 Q. And is this your report, Agent Wilde?

11 A. Yes, ma'am.

12 Q. Can you just briefly explain how a cell phone works and
13 communicates with a cellular network?

14 A. Yes, ma'am. So when a cell phone is turned on, when it's
15 powered on, what the cell does is it begins to scan it's
16 environment. It's scanning what's around it, and what it's
17 doing is it's trying to find the tower and the sector that the
18 phone sees as the strongest and clearest tower and sector. It
19 does that because in order for the phone to work properly,
20 when we go to pick up the phone, and we hit that button to
21 make a phone call, the phone already knows which tower and
22 sector it's going to go to. Or if we were to receive a call,
23 the phone already knows which tower and sector it's going to
24 use.

25 That tower and sector is what's recorded on the records

1 that I analyze. That's basically how it works. So what
2 happens if I make a phone call, I turn my -- I power my phone
3 on. It scans what's around it. It finds the tower and sector
4 with the strongest and clearest signal, the signal goes from
5 my antenna on my phone to the antenna on the tower that it
6 sees, which is most of the time the closest tower, and then
7 that signal goes back through the tower through the network
8 and then out to either the public telephone network, if I'm
9 calling a landline, or if I'm calling other carriers numbers,
10 or it goes through, let's say, AT&T's network, and then back
11 out to the customer that I'm trying to reach out to.

12 It's very much like -- it's very much like scanning --
13 sitting in the airport waiting on a flight and looking for the
14 best wifi to use on your phone. The only difference is that
15 you have to manually look for the best wifi to use, whereas
16 your phone is constantly scanning for the strongest and
17 clearest signal.

18 Q. Thank you, Agent Wilde.

19 And if we go to page 3 of your PowerPoint, what are we
20 looking at on page 3?

21 A. So these are examples of cell phone towers, really, you
22 might see anywhere in America. Drawing your attention to the
23 one on the top left, there's these speaker looking devices on
24 this tower here, those are the antennas that transmit and
25 receive the signal to and from a phone.

1 A phone is very much like a car radio. If I would have
2 driven here today, I would have tuned to my favorite radio
3 station, or my favorite frequency, and then somewhere in
4 Baltimore, there's a radio tower, it emits a signal at that
5 frequency, my car radio receives that signal, and I can listen
6 to my favorite station.

7 The difference between my car radio and my cell phone is
8 that with my cell phone, the transmissions have to go in two
9 directions. They have to be able to come down from the tower
10 to my phone, but I also need to be able to send that signal
11 back from my phone back to the tower. So those are the
12 antennas that transmit and receive those signals.

13 The second important part about that picture is you'll
14 notice that those antennas hang on a triangular shape
15 structure. Most cell phone towers were designed to cover a
16 full circle, or 360 degrees. And the way that the carriers
17 accomplish that is by breaking that circle into three
18 different sides, or three pieces, I call those sectors.

19 So later on in our report you're going to see these wedge
20 shapes, the center of that wedge is nothing more than the
21 center of one side of this triangle.

22 Q. And so looking at page 4, you were just talking about
23 sectors to cover a full circle, is that what's depicted here?

24 A. Yes, ma'am.

25 Q. And so I see sector one, is that the top red sector?

1 A. Yes, ma'am.

2 Q. And two is the blue one?

3 A. Yes, ma'am.

4 Q. And three is the green one?

5 A. It is.

6 Q. Okay. And you earlier testified that most of the time a
7 phone uses the closest tower, but not always; is that true?

8 A. That's correct.

9 Q. And why might a tower use a tower other than the closest
10 tower?

11 A. Because there could be -- most of the time, what it is is
12 a feature in the landscape, so it could be water. Water tends
13 to -- water is reflective. You can imagine shining a
14 flashlight on water, water reflects the light. And so water
15 reflects that signal and makes it go a lot further than it
16 would normally go on land.

17 The second thing that comes up is usually topography on
18 the land. So a very simple example is a mountain. I could be
19 on one side of a mountain, the closest tower to me could be on
20 the other side of the mountain, but that signal can't permeate
21 a mountain. So what will happen is my phone will connect to
22 maybe the next tower that's further away, but has a better
23 line of sight to my phone, so it's basically the two examples.

24 Q. And turning to page 5 of your PowerPoint, is there --
25 what's the difference between pages 4 and 5 for us?

1 A. So page 4 and 5, the difference is now I've added the
2 wedge, so this is how I'm going to depict it in my maps. This
3 is how I'm going to display which tower and sector is being
4 used by the phone at the time that the call or text message
5 was made or received.

6 The most important thing about this is that the shaded
7 area in this sector, when I had this shaded area on the map, I
8 am by no means saying that phone has to be within that shaded
9 area.

10 What I'm saying is the phone is using that tower, that
11 sector, and the energy from that sector is being emitted in
12 this direction, okay? It's like shining -- imagine standing
13 there and shining a light off in that direction, that's where,
14 the energy from that tower is going. And so that's what this
15 page means.

16 Q. So the red shaded area is representative, but it is not
17 geographically accurate?

18 A. Correct.

19 Q. And what records do cell phone companies keep based on
20 the activity that you've just described?

21 A. So different cell phone companies keep different records,
22 the cell phone companies aren't in business to provide the
23 government with records, they're in the business of making
24 money.

25 So they keep whatever records that they see that they

1 need to keep. So most of the time what most of the carriers
2 keep is the date and time that the calls occurred, the number
3 that was called, or the number that called that number that
4 I'm looking at, the duration, so how long those calls are, and
5 then the cell tower and sector that was used to handle those
6 calls.

7 Sometimes there's cell tower information for text
8 messages, sometimes text messaging isn't even on the records,
9 it just really depends on which carrier we're dealing with.

10 Q. And I'm going to show you -- we'll go to page 6 of your
11 PowerPoint just for a moment, and what's that again?

12 A. Page 6 just shows how I depict the sector on the map.
13 Again, the shaded area, not saying the phone has to be within
14 that shaded area, the phone could be anywhere between the
15 tower that's being used, the next tower in that direction, but
16 closer to the one that's being used.

17 Q. And in this picture, where are the towers and how are
18 they --

19 A. So the tower is the green dots, so there is a green dot
20 down here at the bottom and below the sector, and then there
21 is another one up here at the top. And so somewhere --
22 somewhere in this area, there is going to be a line where you
23 would cross over from the coverage area of the tower that's
24 being used to the next tower. And so it's not perfect, I
25 can't go out to this area and look up and see that line in

1 space, but there is a line there. And so as the phone moves
2 from the tower that's being used towards the one that isn't
3 being used, the signal from the tower that's being used is
4 going to get lower and lower and lower until finally the other
5 tower is going to pick up that signal from the cell phone, and
6 it's going to start using that tower and so on and so forth.
7 As you go down the road, your phone is constantly doing this,
8 strongest, clearest signal, changing towers so you can
9 maintain that call as you drive down the roads as you move
10 around.

11 Q. In other words, if that didn't happen, if you didn't have
12 towers that, sort of, handed off to one another, the call
13 would be dropped?

14 A. The call would be dropped. And again, if Verizon or AT&T
15 could cover all of Baltimore City with one tower, I mean these
16 towers cost between 3- and \$500,000 a piece to put up, if they
17 could do that, they would do that in a heartbeat, but they
18 can't do that because there's too much population density,
19 there are too many people, so they have to set these towers up
20 fairly close to each other to be able to handle that capacity.

21 Q. And I'm going to show you Government's Exhibit 8.3. And
22 can you describe for us, kind of, what kind of data we're
23 looking at in Government's Exhibit 8.3?

24 A. Yes, ma'am.

25 Q. I'll zoom in so you can see it a little bit better.

1 A. Yeah. So this is an example of Sprint telephone records.
2 I'm just going to go to the very first line. So the first --
3 the first line is the calling number, so that's the number
4 making the call. The next number is the call number, that's
5 the number being called, the dialed digits are the number --
6 the digits that were dialed. So a lot of times if -- let's
7 say that this phone number called 911 and dialed 911, you'll
8 actually see 911 in the dialed digits. The MR is the mobile
9 roll. So that's usually going to be incoming, outgoing, or
10 routed. Here this is an incoming call, so that tells me that
11 the telephone number associated with these records is
12 (240) 580-4057, because that's the called number. So it's an
13 incoming call. We have the start date, and the end date, and
14 then the duration and seconds. So this call is 2,872 seconds.

15 The next is the NEID, so this is a network element ID.
16 What this tells me -- this is like a ZIP Code. This tells me
17 when it says 161, that phone is somewhere in Baltimore.
18 Baltimore's NEID is 161. There are different NEIDs for
19 Washington, D.C., Richmond, Virginia, Wilmington, Delaware,
20 Philadelphia, there are different NEIDs.

21 So that just tells me the phone is somewhere in
22 Baltimore. Repole number is another number, it's very similar
23 to the NEID, and then going on, the most important thing I'm
24 looking at is the combination of the NEID, and the cell tower
25 number.

1 So here, the first cell is 37, that's the cell tower
2 number, and the sector being used is sector 2. Now, that
3 combination of 161 being the NEID and the cell number 37 is
4 unique across Sprint's network, it's never going to be
5 duplicated. So that tells me when I go look this information
6 up in a list of towers, it tells me that if this tower number
7 37 is on top of this courthouse, that's where it is, and I'm
8 100 percent sure that's where it is, because it's unique
9 across their network.

10 Q. And so when you said that the towers are unique across
11 the network and you can look them up, you're talking about the
12 location of the tower itself?

13 A. Yeah, it can take that 161, tower 37, I can look it up in
14 a list of towers that's provided by Sprint, and it's going to
15 give me a latitude and a longitude. It's going to tell me
16 where that tower is on earth. And then for that sector,
17 sector 2, 3, or 4, dealing with Sprint, it's going to give me
18 something called the azimuth orientation. It's going to tell
19 me which way that that sector is facing, whether it's facing
20 north, whether it's facing south, east or west, or a
21 combination thereof.

22 Q. And those are the red and blue and green sectors you
23 looked at in your PowerPoint earlier?

24 A. Yes.

25 Q. So for this particular exhibit, you said that these are

1 the call and cell site records for the phone number
2 (240) 580-4057?

3 A. Yes, ma'am.

4 Q. And now I'm going to show you Exhibit 8.1 and can you
5 tell us what we see, generally, on Exhibit 8.1?

6 A. Yes, ma'am. This is subscriber information, so when an
7 account holder registers an account with one the carriers,
8 sometimes they're required to submit certain information, so
9 this is the subscriber information, it tells us who is
10 associated with this account. And here, it's Jennifer
11 Jeffrey, address of 103 Upmanor Road in Baltimore, Maryland.

12 Q. Now, did you review the cell site data for the 4057
13 Jennifer Jeffrey subscriber number?

14 A. Yes, I did.

15 Q. And did you also review cell phone records and cell site
16 data for other phone numbers in connection with this case?

17 A. Yes, ma'am.

18 Q. And I'm going to show you Exhibit 9.4, and what do we
19 have in Exhibit 9.4?

20 A. This is the cell phone subscriber information for
21 telephone number (443) 621-2413.

22 Q. And who is the subscriber?

23 A. Andre Briscoe.

24 Q. And what was the subscriber address?

25 A. It's 276 South Herring Court in Baltimore, Maryland.

1 Q. And what was the date that this account was activated?

2 A. It says 5/26/2015.

3 Q. Now, that's the top row that we've blown up here in
4 Exhibit 9.4, what about on the bottom row?

5 A. On the bottom row, it's the same phone number and the
6 account information -- the account activation date is the same
7 date, but what I'm noticing is that under the phone model,
8 there's two different phone models listed there.

9 Q. Do you have any reason why there would be two phones?

10 A. Unless somebody changed the phone number from one phone
11 to another, or moved the SIM card between phones.

12 Q. But they had the same call number, so regardless of which
13 phone was used, it's going to be tracked the same by MetroPCS?

14 A. It is. It's still going to show up in the call detail
15 records the same way by that phone number.

16 Q. And turning to Exhibit 9.2. Take that back, try it one
17 more time.

18 Now really Exhibit 9.2, what's in this exhibit, Agent
19 Wilde?

20 A. These are the call detail records for the (240) 580-40 --
21 I'm sorry, the (443) 621-2413 telephone number from T-Mobile.

22 Q. And that was the number we just looked at subscribed to
23 the Defendant, Andre Briscoe?

24 A. Yes, ma'am.

25 Q. And when you say, call detail records, does that include

1 cell site location information?

2 A. It does. It has a cell tower. Most of the calls have
3 the cell tower latitude and longitude, and then the LAC, which
4 is a location area code. Again, it tells me the general area
5 where the phone is, and then the tower number, and the
6 combination of those two numbers are unique across T-Mobile or
7 MetroPCS numbers.

8 Q. And was the (443) 621-2413 number one of the cell phone
9 records that you analyzed in this case?

10 A. Yes, ma'am.

11 Q. And then turning to Exhibit 10.1. What do we have here?

12 A. So this is the -- this is the subscriber information for
13 telephone number (302) 864-4490, the name here is TRAC phone,
14 so this is a TRAC phone running on the AT&T network.

15 Q. And were you provided information in this case that the
16 (302) 864-4490 number was used by Wane Briscoe?

17 A. Yes.

18 Q. And I'm going to put up Exhibit 10.8, what is
19 Exhibit 10.8?

20 A. This is an example of the call detail records associated
21 with that (302) 864-4490 phone. Again, of the date and time.
22 The difference here is the date and time is in universal
23 coordinated time. So we need to subtract four hours from the
24 date and time that's on these records to get it back to
25 Eastern Time.

1 Q. And there's cell site information in these as well?

2 A. There is. It's the LAC -- the first column is the LAC,
3 the next is the cell ID, then it goes longitude, latitude, and
4 there should be some azimuth information in there as well.

5 Q. And did you also receive tolls for the 4490 number
6 outside of the range where there was cell site?

7 In other words, four phone calls but less cell site as
8 well?

9 A. Yes, ma'am.

10 Q. And that's Exhibit 10.2, 10.2 as well?

11 A. Yes, ma'am.

12 Q. All right. Now, did you create maps to help you analyze
13 the cell site information for the numbers that we just
14 reviewed?

15 A. Yes, ma'am.

16 Q. And that was what we were looking at before, Government's
17 Exhibit 11.1?

18 A. Yes.

19 Q. All right. And would you go to Exhibit 11.1, page 7, and
20 what's depicted on this slide here?

21 A. So this is the legend slide, so here what we're looking
22 at -- first of all, every one of the green dots on that map
23 represent a T-Mobile cell phone tower. So all of the green
24 dots are a cell phone tower there. And then getting into the
25 actual address, so starting at the top left, 103 Upmanor Road,

1 which is associated with Jennifer Jeffrey's house, is
2 represented by the red pin.

3 Kiara Haynes apartment 100 Diener Place is represented by
4 the blue pin. Tiffany Jackson's residence at 276 South
5 Herring Court in Baltimore is represented by the dark blue
6 pin. The Powell residence, which is at 2564 West Baltimore
7 Street, is represented by the purple pin. The orange pin
8 represents the intersection of Edmondson Ave and Warwick
9 Avenue. And then the green pin on the bottom left-hand side
10 in the cut-out from Cambridge, Maryland, represents Tonya
11 Harris's apartment at 502 Greenwood Avenue in Cambridge.

12 Q. And if we go to page 8, this looks the same but
13 different?

14 A. It is. It's the same slide, the major difference here is
15 I'm showing the AT -- the locations of the AT&T cell phone
16 towers. There are times when AT&T and T-Mobile will share a
17 physical pole or a physical tower, but they'll have their own
18 equipment on those towers. But then there is time when AT&T
19 might have a tower on one side of the street, and T-Mobile
20 might have their own tower on the other side of the street.
21 So I just showed the differences here.

22 Q. So on page 7 the green one is for T-Mobile on page 8?

23 A. Yes.

24 Q. And page 8, you said the blue ones were what company?

25 A. AT&T.

1 Q. And page 9?

2 A. Is Sprint.

3 Q. The black towers?

4 A. Yes.

5 Q. And with respect to all of these companies, how many
6 towers are there in Cambridge, Maryland?

7 A. One.

8 Q. I'm flipping back to page 7, there's the one green dot
9 right in the middle? Can you see that?

10 A. Yes, ma'am.

11 Q. And same for Sprint and AT&T?

12 A. I don't believe so.

13 Q. Now, turning to page 10, what is reflected on page 10?

14 A. Page 10 is showing all of the activity on (240) 580-4057,
15 that's the Sprint number associated with Jennifer Jeffrey.
16 Between May 1st, 2015, and May 26th, 2015, and all I'm showing
17 here is all the times the phone is in Cambridge using that
18 tower in Cambridge, Maryland.

19 Q. And so can these records tell you where within Cambridge,
20 Maryland Jennifer's phone was?

21 A. They cannot. They can just tell me that the phone is
22 using a tower in Cambridge.

23 Q. And can the records tell you if we take, for example,
24 May 7th, 2015, the calls appear to begin at 4:18:31 p.m. and
25 continued to 7:38:38 p.m.; is that right?

1 A. Yes, ma'am.

2 Q. And can they tell you if the phone was there longer than
3 that range?

4 A. They cannot. So what the records can tell me is -- first
5 of all, in order for there to be a record generated, I need to
6 have an incoming or outgoing telephone, specifically for
7 Sprint. So if there's no calls during whatever time period, I
8 can't tell where the phone is during that time period. So
9 let's say, you know, 7:30, 8:00, it's in a LAC, this call, and
10 then the next one is at 10 o'clock, I don't know where the
11 phone is between 7:38 and 10:00, or here, I don't know where
12 the phone is between 7:38 and 2:05, the next -- 2:05 p.m. the
13 next day.

14 Q. All right. And then moving to page 11, what does page 11
15 show?

16 A. So here, showing all of the activity on (443) 621-2413,
17 which is the phone associated with Andre Briscoe, between
18 May 1st and May 26, 2015, and showing all of the activity near
19 103 Upmanor Road, and 100 Diener Place.

20 Q. So with respect to the two different boxes, there's a
21 bigger one down at the bottom with sectors one and two, and if
22 you look at the calls, it looks like they switched between one
23 and two, why might that be?

24 A. Yeah, sometimes that will happen. So there's two reasons
25 for that, number 1, the phone moved from someplace in sector

1 1, to someplace in sector 2. The other explanation is, the
2 phone is somewhere between sector 1 and sector 2, and it's
3 seeing both of those sectors in equal strength, and so what
4 happens is, the phone could be bouncing back and forth between
5 those sectors, because it sees sector 1 as the strongest and
6 clearest one minute, and then the next minute it sees sector
7 2, because it's somewhere between those two.

8 Q. And then with respect to when the phone is using the
9 tower that's at the top of the slide or further up on the
10 slide, what's happening there?

11 A. Yes, those are just showing all of the calls when it's up
12 there. If it's bouncing between sector -- the sector 1 and
13 that tower at the top, again, it has to be somewhere between
14 those two sectors, if it bounces back and forth within a
15 minute or so.

16 Q. So on pages 10 and 11, you're just -- in terms of the
17 activity, we're looking at Jennifer's phone in Cambridge how
18 often during the month of May 2015?

19 A. Yes.

20 Q. And then how often under Briscoe, the Defendant's phone
21 was near Kiara Haynes or Jennifer Jeffrey's home in Baltimore
22 Maryland?

23 A. Yes.

24 Q. And turning to page 12, do the next section of your
25 slides deal with a particular date range?

1 A. They do. They start off between May 20 -- I believe they
2 go from May 25th to May -- the morning of May 28th.

3 Q. 2015?

4 A. 2015.

5 Q. And on page 12 here, what's reflected in here?

6 A. So this is showing the activity on the Andre Briscoe
7 phone at 1:23 p.m. on May 25th, 2015. And at that time, the
8 phone is using the tower and sector shown on the map, which is
9 in Cambridge. And also consistent with being in the area of
10 502 Greenwood Avenue, Cambridge, Maryland.

11 **MR. PURPURA:** Excuse me, what page was that?

12 **MS. BRUSCA:** Page 12.

13 **BY MS. BRUSCA:**

14 Q. Turning to page 13, that was 1:23 on May 25th, 2015, what
15 was the next call with the cell sites in Mr. Briscoe's records
16 on May 25th, 2015?

17 A. It's at 6:43 p.m., and the phone is using sector 1 of the
18 tower, either 65101 shown here on map 13, that's the sector
19 that faces north towards Jennifer Jeffrey's house.

20 Q. And then were there any other calls with cell site on
21 May 25th, 2015, from the Defendant's phone?

22 A. No.

23 Q. So when are the next calls and cell site for Mr.
24 Briscoe's phone?

25 A. Starting at 9:07 a.m. on May 26th, 2015. And again, that

1 phone is using the same tower and sector at that time.

2 Q. It starts at this tower right here in the middle of the
3 page, sector 1 and then moves to sector 2?

4 A. Yes.

5 Q. And I'm going to turn for a moment to Exhibit 9.2, page
6 110. And we looked at May 25th, at 1:23, that was the call in
7 Cambridge, Maryland in the sector facing consistent with Tonya
8 Harris's house; is that correct?

9 A. Yes.

10 Q. And then the next call in the phone records is the one at
11 6:43 right below it?

12 A. Yes.

13 Q. That was the one in Baltimore in the area of Kiara Haynes
14 house?

15 A. It was.

16 Q. Now, turning back to your PowerPoint, what's happening by
17 the time of the 10:39 a.m. call on May 26th?

18 A. Yeah, so the phone has moved. The phone -- the phone at
19 10:22 is using -- 10:22, 10:34 is using sector 2 on the tower
20 to the left, and then by 10:39, it's now using tower 65383,
21 which is on the right side of the page but facing towards the
22 left.

23 Q. And I just want to pause for a moment, because I also
24 lose my bearings sometimes, but I wanted to look at our -- I'm
25 putting up Government's 17.7A. So we were talking about

1 Monday the 25th; is that right for Mr. Briscoe's phone?

2 A. Yes, ma'am.

3 Q. Starting out in Cambridge and ending in Baltimore?

4 A. Yes.

5 Q. And then we were looking at the morning of Tuesday
6 the 26th, still the area of Kiara Haynes's house?

7 Is that correct?

8 A. Yes.

9 Q. All right. So continuing on with Tuesday, the 26th,
10 let's go back to your PowerPoint there. When we go to Slide
11 14, so flipping, here is 13, carrying over the evening of
12 Monday, May 25th, to the morning of Tuesday, May 26th, ending
13 at 10:39, and then turning to slide 14, what's happening with
14 the Defendant's phone?

15 A. So, there's no activity between 10:39 a.m., and 12:41,
16 p.m. But at 12:41 p.m., the phone is using a tower and sector
17 in East Baltimore in close proximity to the Tiffany Jackson
18 residence at 276 Herring Court.

19 Q. And then after 12:41 p.m.

20 A. So after 12:41 p.m., the phone is in a -- it's basically
21 in the center of the city in downtown between 2:36 and 2:53.

22 Q. Okay. Now, moving to the time period after about 2:53 on
23 Tuesday, May 26th, what happens to the Defendant's phone?

24 A. The phone is consistently using towers and sectors in the
25 area of Tiffany Jackson's residence at 276 Herring Court.

1 Q. And again, what's going on with the two towers, the one
2 at the bottom, sector 1, and the one right above it
3 unnumbered?

4 A. Again, the phone could be seen, the phone could be seen
5 in those towers and sectors at an equal strength, and so it is
6 slightly bouncing back and forth between 3:43 and 3:39, then
7 4:29 to 4:40, so one could be moving around making calls, it
8 could be in -- it's in that general area of East Baltimore at
9 the time.

10 Q. And so if we just focus on the first two calls in time,
11 in the top tower here, there's one at 3:39:59 p.m.; is that
12 right?

13 A. Yes.

14 Q. Using this top tower?

15 A. Yes, ma'am.

16 Q. But then 30 or 24 seconds later at 3:40:23 p.m., it's
17 using the tower down at the bottom of the screen; is that
18 correct?

19 A. It is. It's using sector 1 on that tower. So the phone
20 has to be somewhere between those two towers and sectors at
21 that time.

22 Q. Like the overlap area, in other words?

23 A. Could be in this overlap area, yes.

24 Q. And when a phone, sort of, bounces like that, it might
25 also indicate phone movement; is that correct?

1 A. It could.

2 Q. And like how much movement, could you tell?

3 A. I can't tell but I know that it couldn't be -- go too far
4 in 30 seconds. So it has to be 30 seconds from wherever it
5 was before.

6 Q. Can it be as little as like say walking from one side of
7 an apartment to another?

8 A. It could.

9 Q. Now, there's a lot of phone calls, obviously, during this
10 period, starting at 3:39, ending at 9:30, p.m. I'm going to
11 show you Exhibit 11.2.

12 Focusing on Rows 14 through the end, and then we'll click
13 to page 2 in a moment, but just generally, what is
14 Exhibit 11.2?

15 A. So Exhibit 11.2 is a timeline of calls between the Andre
16 Briscoe phone, the Jennifer Jeffrey two phone, the Jennifer
17 Jeffrey one phone, and Wane Briscoe's phone.

18 Q. And actually, that's a good reminder, thank you. We
19 looked at the 4057 number for Ms. Jeffrey; is that correct?

20 A. Yes.

21 Q. For which there was cell site?

22 A. Yes, ma'am.

23 Q. And did you also look at call records for a second line
24 associated with Ms. Jeffrey?

25 A. Yes.

1 Q. And that was (410) 908-8308?

2 A. Yes.

3 Q. And I'm going to put up Government's 8.8. And are these
4 the toll records for the phone number (410) 908-8308?

5 A. These are the toll records. These are not cell site
6 records, so I can tell in that, the phone is in the Baltimore
7 area, because it uses that NEID of 161, but I do not know
8 specifically where in Baltimore it is during those calls.

9 Q. And so this is, like, basically the numbers dialing the
10 8308 number and the numbers dialed?

11 A. Yes.

12 Q. Okay. And the subscriber information for that phone,
13 Exhibit 8.7, can you tell anything about the subscriber
14 information for this phone?

15 A. It just says Q Link Wireless. It's a reseller for Sprint
16 PCS, so it's just a -- it's another phone that -- it's similar
17 to a TRAC phone where you don't have to provide a subscriber
18 or any billing information.

19 Q. Like a prepaid phone?

20 A. Yes.

21 Q. And going back to 11.2 now that we've clarified all of
22 the numbers on this chart, is this every single phone call for
23 each of the four numbers you just identified or just select
24 phone calls?

25 A. They're select phone calls, focused in on the phone calls

1 between parties known to be relevant to the cases.

2 Q. So if, for example, the 2413 number associated with the
3 Defendant called someone, but we didn't -- you weren't given
4 information about the user, you didn't include it on this
5 chart?

6 A. Correct.

7 Q. So now focusing on the evening and afternoon of Tuesday,
8 May 26, 2015, when the Defendant's phone was in the area of
9 Tiffany Jackson's house?

10 A. Yes.

11 Q. And we looked at those first calls at 3:39 and 3:40 and
12 saw them bouncing between the towers; is that right?

13 A. Yes, ma'am.

14 Q. And they start here, and then they continued on to 9:30.
15 So can you just generally describe what we're seeing in the
16 afternoon into later in the evening on this phone activity
17 chart?

18 A. So you're seeing contact between Andre Briscoe and
19 Jennifer Jeffrey there between 3:43 and 4:30 or 4:29. Contact
20 between Jennifer and Kiara Haynes at 4:30. And then contact
21 with Andre Briscoe and Wane Briscoe. Contact with Andre
22 Briscoe and George Briscoe. Contact with Andre Briscoe and
23 Lillian Harris.

24 Then going down to about 6:40 or 5 -- I'm sorry, 5:53,
25 the Andre Briscoe phone has contact with Jennifer Jeffrey

1 again. Then back to contacting Wane Briscoe and then back to
2 contacting Jennifer Jeffrey, George Briscoe and then Wane
3 Briscoe, Tonya Harris. Andre contacting Wane Briscoe. And
4 then basically Andre and Jennifer Jeffrey -- Andre Briscoe and
5 Jennifer Jeffrey in contact between, it looks like 8:41 p.m.
6 and 8:59 p.m. And then it goes back to contact between Andre
7 Briscoe and George Briscoe.

8 Q. Now, for the incoming SMS and outgoing SMS on this chart
9 11.2, what does that reflect?

10 A. It reflects the -- it reflects the text messages that
11 were being made or received to and from the Jennifer Jeffrey
12 one phone records. On the Andre Briscoe phone records, we
13 don't have a record of the text messages occurring, but we
14 have -- we picked that number up on the Jennifer Jeffrey
15 records.

16 Q. And do text messages have cell site information
17 associated with them?

18 A. No. This is a Sprint phone, so for these text messages,
19 they're not going to have cell site's information on them.

20 Q. And now, going back to when we went to Exhibit 11.1,
21 page 50. And focusing in particular on this call at 6:41:52
22 p.m.

23 Can you tell us what the legend and color on the left of
24 Slide 15 is?

25 A. So the colors in orange indicate contact with the

1 Jennifer Jeffrey two phone ending in 8308. The ones in blue
2 indicate contact with the Wane Briscoe phone ending in 4490.
3 In red, ending in 4057, which is Jennifer Jeffrey one, and
4 then in green, is 5607 Kiara Haynes.

5 Q. And the ones that aren't in color, to the extent that
6 they're with known other users, are included in that longer
7 chart we just looked at?

8 A. Yes, ma'am.

9 Q. So focusing again as I started with on this call at
10 6:41:52 p.m., are you aware that there are a number of
11 recorded calls made from jail in this case?

12 A. Yes.

13 Q. And have you listened to at least a couple of them?

14 A. Yes, ma'am.

15 Q. And I'm going to play Government 6.4, just the first
16 couple of seconds of the substantive call.

17 (Recording played but not reported.)

18 **MS. BRUSCA:** I'm going to jump ahead to about a
19 minute and 15 seconds.

20 (Recording played but not reported.)

21 **BY MS. BRUSCA:**

22 Q. And I'm going to pause and just go to the end of this
23 clip so there is no confusion between numbers.

24 (Recording played but not reported.)

25 **BY MS. BRUSCA:**

1 Q. And then the call continues between the person in jail;
2 is that correct?

3 A. Yes.

4 Q. So now going back to your exhibit at 11.1, I want to
5 focus on the location of Andre Briscoe's phone at 6:41, which
6 is also about the time of that jail call we just listened to,
7 Government's 6.4, and where was the Defendant's phone at that
8 point?

9 A. It's using sector 1 on that tower with that one in it,
10 the sector with the one in it, which is consistent with being
11 in the area of Tiffany Jackson's residence.

12 Q. Now, the calls continued until 9:30 and then turning to
13 page 16, the evening of Tuesday, May 26, 2015, what's
14 happening to the Defendant's phone at this point?

15 A. So between 9:30 and 10:12, the phone moves from East
16 Baltimore over here near Tiffany Jackson's residence, over
17 towards West Baltimore where it winds up using 10142 at 10:11
18 and 10:12.

19 Q. So the phone starts on the right hand of the screen by
20 Tiffany Jackson's house?

21 A. Yes, sir.

22 Q. And then moves west towards the tower in the area of the
23 Powell residence at Edmondson Avenue and Warwick?

24 A. Yes.

25 Q. And then turning to page -- four out of the five calls on

1 this page, who are those with?

2 A. Those are all with Wane Briscoe.

3 Q. And then turning to page 17, what is Mr. -- the
4 Defendant's phone doing at this point?

5 A. So here starting again at 10:11, 10:12, the phone is
6 using the tower and sector 10142, which is on the left side of
7 the page. Then the phone moves and uses towers 65021 at
8 10:33, which is on the right side of the page. And then at
9 10:43, it moves and uses tower 33407, which is the tower and
10 sector consistent with being in the area of Edmondson and
11 Warwick Avenue.

12 Q. So if I were going to put it succinctly, the phone goes
13 left, right, center in this slide?

14 A. Yes, ma'am.

15 Q. And ends at 10:43 on this slide in the area right in
16 between the Powell residence and Edmondson Avenue, it's using
17 that tower right in the middle?

18 A. Yes, ma'am, and that call is with Jennifer Jeffrey.

19 Q. And two -- the other two calls that were earlier on were
20 still those same two calls with Mr. Briscoe, Wane Briscoe?

21 A. That's correct.

22 Q. And then turning to page 18, what's reflected on page 18?

23 A. So page 18 is showing the activity, again, from 10:33 to
24 10:57. So the phone at 10:33 is in this -- kind of in the
25 center of the page, but on the right side and it goes 10:33,

1 10:43 over by Edmondson and Warwick. 10:55 down south near
2 the hospital here, and then finally at 10:57, using the tower
3 and sector in the area of Kiara Haynes's apartment.

4 Q. And so quickly flipping from page 15, 9:30, Tuesday
5 May 26th at Tiffany Jackson's, the phone moves, if we just
6 look quickly, and ends on slide 19, what's slide 19?

7 A. Slide 19 is an overview of the last three slides. So
8 during this time between 9:30 and 10:57, the phone moves from
9 the area around Tiffany Jackson's residence over to the area
10 around Kiara Haynes's apartment.

11 Q. And can you just use your finger to draw, kind of, the
12 three legs?

13 A. Oh, yes, ma'am.

14 Q. Thank you.

15 A. Yes. So it goes over here, and then it winds up over
16 here at 10:11, then it goes back over to the middle at 10:33,
17 and then back down towards the hospital at 10:55, and then
18 finally at 10:57 in the area of Kiara Haynes apartment?

19 Q. And the middle there at 10:43, it hits that again on the
20 way back or that's really on the way back that it hits it, I
21 guess, the 10:43 call?

22 A. The 10:43 call, I'm not sure what you mean by the way
23 back.

24 Q. If you draw, like, one again?

25 A. If I draw that line again?

1 Q. Yes.

2 A. So I went over here to 10:11 -- oh, yeah, 10:33, then
3 10:43, then 10:55, then 10:57.

4 Q. I appreciate that. Thanks very much.

5 Then turning to page 20, I see the 10:57 call that sort
6 of ended the trip on slide 19?

7 A. Yes, ma'am.

8 Q. Is that repeated, again, on slide 20?

9 A. It is. It's shown there in sector 1, on slide 20.

10 Q. And what is that time range of activity on this slide?

11 A. This is showing 10:57 p.m. until 11:15 p.m.

12 Q. And in the middle of that, sort of, 15 minutes of calls,
13 there's an 11:05 call on the right-hand side, do you see that?

14 A. I do. So between 11:04 and 11:05, the phone bounces
15 between sector 2 and this other tower 10121, and then back to
16 sector 2 again.

17 Q. So when you say it, kind of, bounced, what are, again,
18 the reasons a phone might do that?

19 A. Again, it could have moved. The phone could -- you know,
20 the person holding the phone could have gone to the store and
21 come back, or depending on where the phone was, the phone
22 could move from the front of the building to the back of the
23 building, and then back again. It just, kind of, depends.

24 Q. And then moving to page 21, the last call was 11:15 in
25 the area of Kiara Haynes's apartment; is that correct?

1 A. Yes.

2 Q. And then the next call with cell site, what time is that
3 at?

4 A. That's at 12:25 a.m. And the phone is using sector 3 on
5 tower 33079.

6 Q. Okay. So do you know when, between 11:15 p.m. when the
7 Defendant's phone is in the area of Kiara's house, and
8 12:25 a.m. when it's in the area of Ms. Jeffrey's house, do
9 you know when, in that time period, the phone moved?

10 A. I don't. Again, if there's no calls, there's nothing for
11 me to map. I can't see it. I can't see what's going on there
12 unless there's actual records for me to map. So all I know is
13 it moved between those two times.

14 Q. Okay. And then for one moment of reference, I'm going to
15 put up 17.7A. So we just moved very late on the evening of
16 Tuesday, May 26th to very early in the morning on Wednesday,
17 May 27th; is that correct?

18 A. Yes.

19 Q. So very early in the morning after midnight on Wednesday,
20 May 27th, the Defendant's phone is at an area of, excuse me,
21 Jennifer Jeffrey's house; is that correct?

22 A. It is.

23 Q. And then there are about five calls that hour, and three
24 of whom are with who?

25 A. Wane Briscoe.

1 Q. Now, I'd like to go ahead and go for a minute to the
2 phone records for that 4490 Wane Briscoe number, Exhibit 10.8,
3 page 12, and particularly items 142 to 144. And can you tell
4 us anything about these three calls at 12:45 a.m. on the
5 morning of May 27th?

6 A. Yes, ma'am. All of those calls are between the Andre
7 Briscoe phone and the Wane Briscoe phone. Every one of them
8 is routed to voicemail, there is no cell site data. So I can
9 see in the call feature column it says CFNRVM, so it's call
10 forward, no reply, voicemail.

11 Q. All right. And turning to Exhibit 11.2, just the phone
12 activity, page 2, rows 82 through 87. Can you tell us when
13 those calls start and end?

14 A. Yes, so they start at 3:34 a.m. and end at 4:58 a.m.

15 Q. And who are they between?

16 A. They're between Kiara Haynes and Andre Briscoe.

17 Q. Now, when we looked at your PowerPoint, there were no
18 calls between 12:45 a.m. and 5:09 a.m.?

19 A. Yes, ma'am.

20 Q. Why is that?

21 A. It's because all of those calls are incoming to Andre
22 Briscoe's phone, so he's receiving -- his phone is receiving
23 the calls, but his phone is not connected to the network, and
24 they're going directly to voicemail.

25 Q. And what are reasons that a phone wouldn't be connected

1 to a network?

2 A. Again, it could be powered off or it could be in a place
3 where it doesn't have service.

4 Q. And the 5:09 call there, who is that with?

5 A. That's also with Kiara Haynes.

6 Q. Now, turning to page 22, it's now 7:23 a.m. on the
7 morning of Wednesday, May 27th?

8 A. Yes.

9 Q. And what happens with respect to the Defendant's phone
10 activity?

11 A. So the first call is on -- most of those calls between
12 7:23 and 8:29 are on sector 1 of that tower, then the 8:35,
13 there's a call on tower number 33071, which is the bottom
14 tower on the bottom right of the page. So this is 8:35. And
15 then going back to the 10:16, the phone is using sector 2, and
16 then it goes back between 10:16 and 11:17 using sector 1 on
17 that tower facing north.

18 Q. And are these two towers here on slide 22, the same two
19 towers where we saw the Defendant's phone kind of bounce a
20 little bit on the evening before?

21 A. Yes.

22 Q. And then turning a minute to the Exhibit 11.2 again,
23 Row 100 here. Excuse me, not Row 100, Row 109. Who is that a
24 phone call between?

25 A. It's between Andre Briscoe and Kiara Haynes, and it's

1 379 seconds long.

2 Q. And who called who?

3 A. I believe Andre Briscoe called Kiara Haynes.

4 Q. So of the calls starting at 3:34 a.m. that morning, which
5 didn't connect, and then continuing on until 7:23, if you look
6 at the duration, is this the duration column here?

7 A. It is.

8 Q. The first one of any length is that 7:23 a.m. call?

9 A. Yes, ma'am.

10 Q. Now, in addition to phone calls from and to Kiara Haynes,
11 what about the Defendant's communications with Jennifer
12 Jeffrey that morning May -- Wednesday, May 27, 2015?

13 A. So they start with text messages from Jennifer to Andre
14 at about 6:44 a.m., and then they exchange text messages.

15 They exchange text messages between 6:44 and 7:49 a.m.

16 There's -- all of those lines are text messages back and forth
17 between Andre Briscoe and Jennifer Jeffrey. And again, these
18 come off of the Jennifer Jeffrey records, because the Andre
19 Briscoe records do not contain text messages.

20 Q. And then at the bottom there, right after all of these
21 text messages from Ms. Jeffrey, what do we have?

22 A. We have an outgoing call from Andre Briscoe to Wane
23 Briscoe.

24 Q. And turning back to the cell site maps, that was all
25 right in the morning there up until about we said 8:30 on

1 Wednesday morning, May 27th?

2 A. Yes, ma'am.

3 Q. And now, the last -- the latest call in time pictured on
4 slide 22, what's the latest call the morning of Wednesday,
5 May 27th?

6 A. It's at 11:41.

7 **THE COURT:** I'm sorry. I couldn't hear the
8 question. I'm sorry.

9 **MS. BRUSCA:** The latest in time call on Wednesday --

10 **THE COURT:** For May 27th.

11 **MS. BRUSCA:** -- May 27th.

12 **THE COURT:** Okay. Thank you.

13 **THE WITNESS:** Yeah, that latest call is at 11:41:30
14 a.m. and that's a call between Andre Briscoe and Jennifer
15 Jeffrey.

16 **BY MS. BRUSCA:**

17 Q. All right. And just for a moment, let's go back to 11.2,
18 page 3, row 139. And is that the same 11:41 a.m. call between
19 the Defendant and Ms. Jeffrey?

20 A. It is. It's 109 seconds long.

21 Q. A little bit under two minutes?

22 A. Yes.

23 Q. And as reflected on this chart, is that the last time the
24 Defendant's phone is ever in contact with Ms. Jeffrey's phone.

25 A. Yes, it is.

1 Q. Now, with respect to Ms. Jeffrey's phone, I want to turn
2 to Exhibit 8.7 for a moment. Excuse me, 8.8. Now, the
3 records that you have for Ms. Jeffrey's 8308 number, they
4 start at what date?

5 A. They start on May 26, 2015.

6 Q. And they continue until when?

7 A. May 28th, 2015.

8 Q. And can you tell us, just starting at the top when the
9 last outgoing call from Ms. Jeffrey's 8308 number is?

10 A. Yeah, it's at 11:40:35 a.m. on May 27th, 2015.

11 Q. Immediately prior to that 11:41 call we just looked at?

12 A. Yes.

13 Q. And that 11:41 call, was that from the 4057 number?

14 A. I believe so, yes.

15 Q. Okay. We'll go back to that record in a second. Here is
16 an 11:40 a.m. call outgoing, and what was the duration?

17 A. It was 26 seconds.

18 Q. And then in the MR column in the middle, would you scroll
19 down to page 3, there are no more incoming calls prior to 8:11
20 or 8:27 a.m. on May 28th?

21 Did I say outgoing or did I miss --

22 A. I think you said incoming.

23 Q. Okay.

24 A. Because there's no more outgoing calls after that point,
25 everything is routed, which means it's being routed to

1 voicemail or routed between switches and it's incoming and not
2 answered.

3 Q. Okay. And they do -- some of them do have duration; is
4 that correct?

5 A. They do.

6 Q. But does that mean that somebody picked up the phone?

7 A. Not necessarily.

8 Q. How would you know for sure?

9 A. You'd have to look at the physical phone and look at a
10 download of that physical phone to be 100 percent sure.

11 Q. Now, turning to that 4057 number just to confirm the
12 11:41 a.m. call on that one, let's take a look, please, at
13 Exhibit 8.3, page 170 and there in the middle what call is
14 that?

15 A. That's the outgoing call at 11:41 between Jennifer
16 Jeffrey and Andre Briscoe, and it's 111 seconds long.

17 Q. So it's reflected as 111 seconds in this one, and 109 in
18 the other?

19 A. Yes, ma'am.

20 Q. Is that common to have slight discrepancies like that?

21 A. There is.

22 Q. And just looking there at that same MR column, no other
23 outgoing calls after that?

24 A. No, ma'am. Everything there is incoming or routed after
25 that point.

1 Q. And there is no cell site information for any of the
2 calls after that; is that correct?

3 A. Correct.

4 Q. And again, why might there not be cell sites for these
5 calls?

6 A. Because the phone is either off or somewhere where it's
7 not in contact with the network.

8 **THE COURT:** This might be an appropriate point to
9 take a late morning break. You all think you need a break
10 here, perhaps? I get nods from some jurors that they'd like a
11 facilities break.

12 All right. With that, we'll take a ten-minute late
13 morning recess.

14 **THE CLERK:** All rise. This Court stands in recess.

15 (Jury exits courtroom 11:30 a.m.)

16 (Short recess taken.)

17 **THE CLERK:** This Court resumes its session. The
18 Honorable Richard D. Bennett, presiding.

19 **THE COURT:** All right. We'll bring the jury back
20 in. We're going to like five minutes of 1:00 today for lunch.

21 Actually we'll just wait until the jury is brought back
22 in. Thank you. Thanks, Mike.

23 **THE CLERK:** All rise for the jury.

24 (Jury enters courtroom 11:53 a.m.)

25 **THE COURT:** Thank you all, ladies and gentlemen, and

1 we'll be continuing until like around five minutes of 1:00,
2 and we'll stop at five minutes of 1:00 today for lunch, and
3 we'll probably certainly be going into 5 o'clock as well.

4 So with that, you all may be seated. Agent Wilde, you
5 may be seated. Ms. Brusca, you may continue.

6 **MS. BRUSCA:** Thank you, Your Honor.

7 **BY MS. BRUSCA:**

8 Q. And Agent Wilde, just to go back for a moment before the
9 break. We were talking about the last outgoing calls from
10 Jennifer Jeffrey's cell phones.

11 Do you recall that?

12 A. Yes, ma'am.

13 Q. And we looked at Exhibit 8.3, page 170, and in the middle
14 of the page, you saw the last outgoing call at 11:41, do you
15 see that?

16 A. I do.

17 Q. And who is that to?

18 A. That outgoing call is to Andre Briscoe, and it was
19 111 seconds long.

20 Q. And we had looked just prior, immediately prior to that
21 call, we looked at records from Ms. Jeffrey's other phone, and
22 we saw the last outgoing call there at 11:40; is that correct?

23 A. Yes.

24 Q. And then turning to your PowerPoint, page 22, the
25 Defendant's cell phone was where right around that 11:41 time?

1 A. It's using this tower 33071 on the bottom right, so it's
2 using this tower here that I've circled, and so it's seeing
3 that tower is the strongest and clearest signal, so it has to
4 be somewhere in the area around that tower.

5 Q. Consistent with the area of Ms. Haynes's house?

6 A. Yes.

7 Q. And then to page 23 from 11:42 a.m. to 12:57 p.m. on
8 Wednesday, May 27th, what activity is there on the Defendant's
9 phone?

10 A. There is no activity on his -- on that phone at that
11 time.

12 Q. And at the next call with the cell site is at what time?

13 A. The next call is at 12:58:08 p.m. And at that time, the
14 phones using tower 65101, which, again, is facing north
15 consistent with Ms. Haynes apartment.

16 Q. And then at the bottom of the page, there were three
17 additional calls?

18 A. There are, between 1:05 and 1:06, the phone is using
19 tower 101121 and all three of those calls were with Wane
20 Briscoe.

21 Q. So all four of the calls after the period of no activity
22 are with Wane Briscoe on the morning to afternoon of May 27,
23 2015?

24 A. Yes.

25 Q. And those are the same two towers that had been used

1 prior to the break?

2 A. Yes.

3 Q. And I want to turn for a moment to Exhibit 11.2, page 3
4 rows 139 to 141.

5 **MS. BRUSCA:** Just one moment, Your Honor, please.

6 **THE COURT:** Yes, certainly.

7 **BY MS. BRUSCA:**

8 Q. So starting at row 139 --

9 **MS. BRUSCA:** Oh, thank you, Mr. Murray. That
10 worked.

11 **BY MS. BRUSCA:**

12 Q. -- to 1141, that top row there 139, which call is
13 reflected there?

14 A. That's the call from Jennifer Jeffrey to Andre Briscoe.

15 Q. And then what about at the Row 141?

16 A. That's an outgoing call from Andre Briscoe to Wane
17 Briscoe.

18 Q. What's that call there right in the middle at row 140?

19 A. That's an incoming call from Kiara Haynes to Andre
20 Briscoe.

21 Q. How long is the duration indicated on that call?

22 A. It's five seconds.

23 Q. How come that's not reflected in your PowerPoint?

24 A. Because there is no cell site activity logged for that
25 call.

1 Q. And what were the reasons a phone doesn't have cell site?

2 A. Again, it could not be -- it could be somewhere where
3 it's not in contact with the network, or it could be off.

4 Q. Now, going to page 25, of your PowerPoint, when is the
5 first call in time on page 25?

6 A. It's at 1:50 p.m.

7 Q. So going just prior -- just prior we had the 12:58, and
8 the 3105 and 106 calls in the area of Kiara Haynes's
9 apartments?

10 A. Yes.

11 Q. And then the next call at a cell site was when?

12 A. It's 1:50 p.m., and the phone is back using towers in the
13 area of Tiffany Jackson's residence.

14 Q. And how long does the phone remain in the area?

15 A. Until 11:30 p.m.

16 Q. And it bounces again between the tower just north of
17 Ms. Jackson's residence --

18 A. Yes.

19 Q. -- and the one just south?

20 A. Yes, it does.

21 Q. And again, what are the colors reflected on the bottom
22 left legion there on this slide?

23 A. So the times highlighted in blue indicate contact with
24 the Wane Briscoe phone and the times highlighted in green
25 indicated contact with the Kiara Haynes phone.

1 Q. All right. And we're going to look at that call detail
2 activity log 11.2, page 3, row 145. At 1:50, 1C is in the
3 area of Tiffany Jackson's house, who does the Defendant call?

4 A. Wane Briscoe.

5 Q. And throughout that evening -- again, are these every
6 single call from the Defendant's phone --

7 A. No.

8 Q. -- that you got here at the bottom?

9 A. No, ma'am. These are the calls that were related to the
10 involved parties in the case.

11 Q. Where you knew the other party, the counterparty on the
12 call?

13 A. Yes.

14 Q. Where you were provided information of those parties?

15 A. Yes, ma'am.

16 Q. And who are they? Who is --

17 A. So during that time, the Andre Briscoe phone is in
18 contact with Wane Briscoe, Kiara Haynes, George Briscoe,
19 Lillian Harris, Tonya Harris, and I believe that's it. And
20 then, again, Wane Briscoe later in the evening.

21 Q. When's the last call on Wednesday, May 27, 2015, with
22 Mr. Wane Briscoe?

23 A. It is at 11:30 p.m.

24 Q. Turning to page 26 just after he was in the area of
25 Tiffany Jackson's home on the evening of May 27th, by Thursday

1 morning, May 28th, at 3:45 a.m., where is the Defendant's
2 phone?

3 A. The phone is back using the tower 35013, which is in
4 Cambridge, Maryland and the sector consistent with being in
5 the area of Tonya Harris's apartment.

6 Q. So we're talking about 3:45 a.m. on the morning of
7 Thursday, May 28th?

8 A. Yes, ma'am.

9 Q. Turning to page 27, whose cell phone records are we
10 looking at now?

11 A. We're looking at Wane Briscoe's cell phone records
12 (302) 864-4490 serviced by AT&T.

13 Q. And what day? What date are we looking at here in this
14 slide?

15 A. This is May 27, 2015, between 11:03 a.m. and 11:32 a.m.

16 Q. So that was Wednesday, May 27th?

17 A. Yes.

18 Q. And if you could remind us, what was the time of Jennifer
19 Jeffrey's last call with the Defendant on Wednesday, May 27th?

20 A. I believe it was 11:40 or 11:41.

21 Q. A.m.?

22 A. A.m.

23 Q. And Mr. Wane Briscoe's phone is where on the morning of
24 May 27th, 2015?

25 A. It's on the Eastern Shore in Cambridge, Maryland.

1 Q. And turning to the next page between about 11:32 right
2 after the prior slide, all the way through 4:19 p.m. what
3 happens to Wane Briscoe's phone?

4 A. So between 11:31 -- I'm sorry, between 11:32 and about
5 1 o'clock, the phone travels between Cambridge, Maryland and
6 Glen Burnie, Maryland, and then it stays over by just
7 southeast of the airport until about 4 o'clock, 4:19 p.m.

8 Q. So I kind of did a bad snip, but right there in the top
9 left is Baltimore-Washington International Airport?

10 A. Yes, ma'am.

11 Q. And then turning to page 29 from 4:30 p.m. on Wednesday,
12 May 27th until 6:25 p.m. on Wednesday, May 27th, what happens
13 to Mr. Wane Briscoe's phone?

14 A. So after 4:43, the phone starts travelling back between
15 Glen Burnie and it winds up in Cambridge, Maryland by
16 6:25 p.m.

17 Q. And from 6:25 p.m. until 8:23 p.m. on Wednesday,
18 May 27th, where is Mr. Wane Briscoe's phone?

19 A. It's back in Cambridge using the tower in Cambridge,
20 Maryland.

21 Q. And in this slide, the bolded calls represent what?

22 A. Contact with Andre Briscoe's phone.

23 Q. And then turning to page 31, from about 8:54, so half
24 hour after he's in Cambridge through 9:38 or 9:44,
25 thereabouts, I believe his calls are up here, where is

1 Mr. Wane Briscoe's phone?

2 A. So the phone starts in Seaford. Using a tower near
3 Seaford, Delaware, and then travels north winding up using a
4 tower in Adamsville, Delaware, there at the top of the page.

5 Q. So it kind of goes north --

6 A. Yes, ma'am.

7 Q. -- as you just said? Thank you.

8 And then page 32, what's happening to Mr. Briscoe's
9 phone?

10 A. So between 10:08 and 11:26, the phone travels from the
11 Eastern Shore into Baltimore City, Maryland.

12 Q. So Wane Briscoe's phone is back, you said, at what time
13 in Baltimore?

14 A. About 11:26 p.m. it's in Baltimore City.

15 Q. And the phone looks like it went -- after it was north in
16 Delaware, it traveled?

17 A. West. Yes, ma'am. West over the Bay Bridge, and then
18 north into the city.

19 Q. And that page 33, what is that showing with respect to
20 Wane Briscoe's phone?

21 A. This is showing the calls between 11:30 p.m. on May 27th
22 and 12:23 a.m. on May 28th. And this time, the phone is --
23 it's in the area around Tiffany Jackson's residence. And
24 there about three calls with Andre Briscoe during that time
25 period.

1 Q. And on slide 34, what's reflected there?

2 A. So here we're showing the same thing we showed in slide
3 33, the Wane Briscoe activity between 11 -- between 11:30 and
4 12:23. But we're also -- I added in the Andre Briscoe
5 activity, 11:30 showing the tower and sector being used, which
6 is also consistent with being near Tiffany Jackson's
7 residence.

8 Q. In other words, the tower used by Wane Briscoe's phone
9 here in blue, is very close if you're looking at the corner to
10 the tower location that was being used by the Defendant's
11 phone at 11:30 p.m.?

12 A. Yes, and they're in contact with each other during that
13 call.

14 Q. And right there by Tiffany Jackson's house?

15 A. Yes.

16 Q. And on slide 35, what do we see?

17 A. Activity between 2:05 a.m. on the 28th and 2:45 a.m. on
18 the 28th, and there the phone is traveling south from Easton
19 into Cambridge.

20 Q. So there's like a downward arrow, right there?

21 A. Yes.

22 Q. And finally slide 36?

23 A. This is showing 2:45 a.m. on the 28th to 6:28 a.m. on the
24 28th, and the phone is in Cambridge using the tower shown on
25 the map.

1 Q. So just to back up, Thursday, midnight, May 27th into
2 Wednesday -- or excuse me, Thursday, May 28th, Wane Briscoe's
3 phone moves back to Cambridge, it's there no later than
4 2:45 a.m.?

5 A. Yes.

6 Q. And remains there until at least 6:30?

7 A. Yes.

8 Q. And what do we have on slide 37?

9 A. Here we're showing Wane Briscoe activity between 2:45 and
10 3:15, the phone is using a tower in Cambridge, and then
11 showing the Andre Briscoe activity at 3:45 a.m., also using a
12 tower in Cambridge.

13 Q. And during that period from 12:30 a.m. on Thursday,
14 May 28th, until 3:45 a.m. on the same day, were there any
15 contacts between Wane Briscoe's 4490 phone and the Defendant's
16 phone?

17 A. No.

18 Q. Now, we looked at some of the 4490 tolls before, I
19 believe I inadvertently showed you only part of the tolls. We
20 looked at 10.2. There is also 10.3, which has a broader range
21 of calls as well; is that right?

22 A. Yes.

23 Q. Now, Agent Wilde, in addition to cell site location
24 information, did you also have occasion in this case to review
25 Google location information?

1 A. Yes.

2 Q. What is Google location information?

3 A. So Google maintains location data mostly for an Android
4 phone. So Android is an operating system the same way IOS is
5 an operating system for Apple. The difference is with
6 Android, you're required to -- to set up Android phone, you're
7 required to use an e-mail address, a Gmail address. And what
8 happens is Google will record the location data associated
9 with that address, and it logs it under a Gmail account
10 number.

11 So that location data can vary in specificity from --
12 there's three types of data. It starts with cell, which
13 basically just means that the phone connected to a cell tower.
14 Those hits will give you -- will give me about a thousand
15 meter radius, or two thousand meter radius, which is pretty
16 big.

17 The next one is wifi, and wifi isn't meaning that the
18 phone is connected to wifi, it just means that the phone can
19 see the wifi. So a good example is, you're driving down the
20 street, you have a Dunkin' Donuts on one side, a Starbucks on
21 the other, and you're parked at the red light between the two.
22 If you have an Android phone, your phone can see that that
23 Dunkin' Donuts wifi is there. It can see that the Starbucks
24 wifi is there, and it measures the signals it can see from
25 those wifi signals, and therefore it knows that you have to be

1 between the two.

2 So that's what wifi is, and then the most specific is
3 GPS, and this is Google recording the phone's GPS location,
4 that can put the phone within, you know, two to three meters,
5 which is really really close.

6 Q. And in this case, were there two types of Google location
7 information that the investigators tried to obtain?

8 A. They did. Number one, they tried to obtain the Google
9 location data unique to a phone associated with Andre Briscoe,
10 and nothing was returned in that. So that means either
11 Mr. Briscoe's account was not set up to collect or maintain
12 that data, or that data was there and somehow it disappeared
13 before they could request it.

14 The second type is time geofence data. And so what the
15 investigators did was they drew a box on a map between four
16 coordinates around the crime scene, and then they asked Google
17 to return all the data for any device that would be within
18 that box.

19 So they can deduct during the time -- the estimated time
20 range of the crime, so they could try to identify any other
21 devices that were in that box.

22 Q. Now, with respect to the first type of data, the data for
23 Mr. Andre Briscoe's phone, you said phone, singular, did they
24 actually seek to obtain data for phones, plural?

25 A. Yes, ma'am.

1 Q. And was that because when we looked at 9.4, I believe it
2 is, you noted that there were two phones associated with
3 Mr. Briscoe's account?

4 A. They did, and the investigators tried to request the
5 information based upon that ESN or NEID number, which is the
6 physical serial of that device.

7 Q. For the phone itself.

8 A. Yes, of those devices.

9 Q. And you said no data was returned? Was that for the
10 period of noon, May 26th, 2015 to noon on May 28th, 2015?

11 A. Yes.

12 Q. And with respect to drawing a box you said, and the
13 victims' home, I'm going to put up Government's 11.3A. Can
14 you describe that slide for us?

15 A. Sure. So I'd first like to draw your attention to the
16 box, the red box in the middle. So that is the -- that's the
17 parameters that investigators sent to Google and asked for any
18 ID, any location data associated with this location. They
19 wanted all of the ID, any Google account that had location
20 data that's within this box. And so Google returned one --
21 there's one result, and the latitude and longitude point that
22 was returned, is indicated by this purple dot, which you can
23 see hits on the house next door to the victims residence.

24 And then the orange circle is the radius, so I believe
25 this is 50 meters. So it -- they provided this point, and

1 then they provided a 50 meter radius. So the phone could be
2 anywhere within that 50 -- logically the phone's -- that the
3 maximum distance from the point that the phone could
4 potentially be.

5 Q. And when you say the phone, you mean the only phone that
6 was in the area of Ms. Jeffrey's home?

7 A. Well, the only one that had Google location data turned
8 on and was maintained by Google, yes, ma'am.

9 Q. I guess, for example, like the Defendant's phone had no
10 data for a two-day period?

11 A. Correct.

12 Q. And were you able to determine from Google whose phone
13 that purple dot was associated with?

14 A. Yes.

15 Q. And I'm going to put up Government's 11.6. And at the
16 top there, under name, who do you have?

17 A. Cynthia Bellamy.

18 Q. With an e-mail address of?

19 A. Miss.bellamy1116@gmail.com.

20 (Council confer)

21 **MS. BRUSCA:** No further questions, Your Honor.

22 **THE COURT:** Thank you, Ms. Brusca.

23 Cross-examination, Mr. Purpura?

24 **MR. PURPURA:** Judge Bennett, thank you.

25 C R O S S - E X A M I N A T I O N

1 **BY MR. PURPURA:**

2 Q. Agent Wilde, good afternoon.

3 A. Good afternoon, sir.

4 Q. Agent Wilde, not to diminish what you've done, because
5 you've done a lot, did you have any other activities involved
6 in this particular investigation in this case?

7 A. No.

8 Q. Are you able to -- you've identified three people that
9 you were -- three phone numbers that you're looking for. Are
10 you familiar with those individuals?

11 A. I'm not.

12 Q. Have you ever seen their photographs before?

13 A. No.

14 Q. So you don't know who Wane -- you never saw Wane Briscoe;
15 is that correct?

16 A. I have no idea who that is.

17 Q. Thank you.

18 So let's just talk about Wane Briscoe for a moment here.
19 So you just saw some activity of Mr. Briscoe's phone, and that
20 was indicative that Mr. Briscoe made two trips from the
21 Eastern Shore to the Western Shore on May 27th of 2015; is
22 that correct, sir?

23 A. Yes, sir.

24 Q. And using the overhead so we can follow along, again,
25 we're starting here in Cambridge and the phone's there at

1 about 11:32. We're crossing to Choptank. We're heading to
2 50, right?

3 A. Yes, sir.

4 Q. And we're crossing the Bay Bridge, right?

5 A. Yes.

6 Q. And we arrive somewhere in the Glen Burnie, somewhere in
7 Anne Arundel County, Pasadena area; correct?

8 A. Yes.

9 Q. And that phone for whatever reason, Wane Briscoe is in
10 that area for about four hours; correct?

11 A. Yes, that's correct.

12 Q. And it wasn't part of your investigation to ask Wane
13 Briscoe, who is a Government witness, what were you doing
14 there for four hours; was it?

15 A. Absolutely not.

16 Q. And this is, again, on the 27th of May?

17 A. Yes.

18 Q. And then we see, again, based on cell tower technology,
19 that Wane Briscoe, reverse numbers, starts again in the area,
20 somewhere in the Glen Burnie, Pasadena area, and then travels
21 back to the Eastern Shore; correct?

22 A. Yes.

23 Q. And then as you indicated on direct examination, he then
24 went to somewhere in Delaware?

25 A. Yeah, around Seaford, Delaware.

1 Q. For a fairly short period of time?

2 A. Yes.

3 Q. Let me stop you for a second. In your -- strike that.
4 We'll just keep on moving.

5 And again, it wasn't part of your investigation to ask,
6 again, Wane Briscoe, what were you doing in Seaford, Delaware;
7 correct?

8 A. That's correct.

9 Q. And then we see, again, on Government's Exhibit 11.1,
10 page 32, a second trip by Wane Briscoe, again, from the
11 Eastern Shore to the Western Shore of Maryland, now up towards
12 Baltimore City or Baltimore City; correct?

13 A. Yes.

14 Q. And this trip starts somewhere around 10 o'clock and he
15 arrives somewhere around 11:26, and we can see that roughly
16 here and here; correct?

17 A. Yes, sir.

18 Q. And again, your investigation is just to chart this;
19 correct?

20 A. Yes.

21 Q. Now, I'm just going to put up -- let me show Government
22 counsel. I'm going to show you what now has been marked as
23 Defense Exhibit 126, which is --

24 **THE COURT:** Defendant's Exhibit 126.

25 **BY MR. PURPURA:**

1 Q. -- which is a Google map. And basically --

2 **THE COURT:** Into evidence.

3 **BY MR. PURPURA:**

4 Q. -- I'm putting this right on top of the chart that you
5 have there. This is basically the travel of Wane Briscoe's
6 phone; is that correct?

7 A. No, it's not correct.

8 Q. It's not correct. What's the --

9 A. Well, the difference is that in my map, Wane Briscoe
10 starts off actually further to the east, and not so far south.

11 Q. Inaccurate question on my part, I apologize.

12 If he's leaving from Cambridge, this would be an accurate
13 map of directions, the easiest way to get to Baltimore;
14 correct?

15 A. Yes, sir.

16 Q. I'm going to show you now what has been marked as Defense
17 Exhibit 127, which is a larger Google map, basically the same
18 area.

19 Now, you see you could go from Cambridge up 50 to 301,
20 continuing to Delaware, come up the 40 in Elkton through Cecil
21 County, hit 95 and then come south on 95 to Baltimore;
22 correct?

23 A. Yes.

24 Q. That would be a longer way to get to Baltimore from
25 Cambridge; correct?

1 A. Yes, sir.

2 Q. And clearly, there is no indication in all of the mapping
3 that you did on Wane Briscoe's phone, that he went up towards
4 Elkton and took the northern route to Baltimore on any of his
5 trips on the 26th; correct?

6 A. That's correct.

7 Q. I'm now going to put up page 2 of Government's
8 Exhibit 11.2, and you created this document, sir?

9 A. I did.

10 Q. And again, I'm still focused on Wane Briscoe and Andre
11 Briscoe, and I've highlighted at 9:30 p.m. there's an outgoing
12 call for, approximately, 25 seconds from Andre Briscoe to Wane
13 Briscoe; is that correct?

14 A. Yes.

15 Q. And at 9:37, there is another outgoing call 9:37 p.m. for
16 about 135 seconds; correct?

17 A. Yes.

18 Q. And there's two more calls, there's two more voicemails,
19 one at 10:11 p.m. for 31 seconds to Wane Briscoe, and one at
20 ten -- excuse me, 10:12 p.m. for 83 seconds; correct?

21 A. Yes.

22 Q. Now, I -- this is p.m., this is May. Based on your
23 experience. It's dark out at that time?

24 A. It is.

25 Q. Now, the only other calls or attempted calls in the

1 evening hours when it's dark out would be the three calls you
2 mentioned that went through voicemail right here at 12:45;
3 correct?

4 A. Yes, sir.

5 Q. If you go all the way down, the next phone call would be
6 an attempt at 08:17 when it's light, 8 o'clock in the morning;
7 correct?

8 A. Yes.

9 Q. And in between while it's dark hours, there's no other
10 further contact, correct, on the 27th to Wane Briscoe?

11 A. That's correct.

12 Q. Now, you were given specific instructions in this
13 particular investigation; is that correct?

14 A. I was given specific dates and times of interest, and
15 specific locations of interest.

16 Q. Much better said.

17 And the three numbers that you were given, one was for
18 Andre Briscoe, my client; correct?

19 A. Yes.

20 Q. And that number was (443) 621-2413?

21 A. Yes, sir.

22 Q. The next number, as we've indicated before, is Wane
23 Briscoe; correct?

24 A. Yes, sir.

25 Q. And the last number was Jennifer Jeffrey's; is that

1 correct?

2 A. Yes.

3 Q. Were you ever given a phone number ending in 5607, which
4 is the phone of Kiara Haynes?

5 A. I don't believe I had the records for that, no.

6 Q. And you've been -- when did you first start mapping this?

7 A. Within the last two years, I believe.

8 Q. So in the past two years, I guess 2020 right up through
9 June 1st, today's date, you've never been requested or given
10 records, or asked to find records for Kiara Haynes; is that
11 correct?

12 A. That's correct.

13 Q. And quite frankly, do you even know if those records even
14 exist from 2015?

15 A. I don't believe they would exist at this time.

16 Q. But to your knowledge, no one in law enforcement has ever
17 secured Kiara Haynes's records so we can try to find out where
18 her phone was on these dates?

19 A. That's correct.

20 Q. This is probably more for my own edification, but this is
21 an Apple phone here?

22 A. Yes, sir.

23 Q. I've actually powered my phone off. Is my phone at this
24 point trying to connect with any cell towers?

25 A. No, sir.

1 Q. So in order for the phone to actually connect, you have
2 to power it on?

3 A. Yes.

4 Q. And if I power my phone on at this point, and I'm not
5 calling someone, is my phone connecting with cell towers?

6 A. It is connecting with cell towers, but yeah, depending on
7 what you have going on with your phone, it won't connect. It
8 won't generate records.

9 Q. What if I don't have anything going on with my phone,
10 since I'm an old man and don't know how to use these things
11 very well, would it be generating records where I can be
12 followed by these guys?

13 A. Most likely not.

14 Q. All right. Thank you

15 On Government's Exhibit -- let me follow-up one question
16 with that phone. There are situations where you can power a
17 phone off, I think you've talked about that before, and it
18 still connects and can record location data; correct?

19 A. No. If that phone is powered off, it's not going to
20 record location data. There are situations, and it's
21 dependent upon the carrier of the phone and the timeframe in
22 which the records are requested where if somebody is not using
23 the phone, but it is powered on, that there are records that
24 we can obtain. But again, it's dependent upon the carrier,
25 and it's dependent upon how quickly the records are requested

1 for that device.

2 Q. And how would you know that a phone is powered off versus
3 just being on and not talking?

4 A. Well, I know it's -- I know that -- I know it's powered
5 off or in a place where it doesn't have service because no
6 cell tower data is being routed or is being shown on the
7 records for those calls that are incoming or outgoing.

8 Q. Well, let's assume that the person is not making any
9 calls for, let's say, an hour, and the phone is powered on at
10 that point, that phone is not recording any data; correct?

11 A. That's correct.

12 Q. So simply, the phone could be off and someone choses not
13 to make a phone call for whatever amount of time, right?

14 A. Yes, the phone could be on --

15 Q. Right.

16 A. -- and somebody could just not make a phone call or not
17 receive a phone call or a text message, and it would not
18 generate records that I would be able to map.

19 Q. Thank you.

20 Showing you Government's Exhibit 11.1, page 5. So the
21 cell towers broken down, as you said, it's 360?

22 A. Yes, sir.

23 Q. And it's set up in three 120-degree Azimuth's; correct?

24 A. Three 120-degree sectors.

25 Q. And you've indicated that if -- sometimes the closest

1 cell tower is not the cell tower that may show up on the
2 records because there may be certain factors?

3 A. There are certain factors, and it would be the one that
4 the phone sees as the strongest and clearest signal, it's not
5 necessarily the closest.

6 Q. And one of the factors, you gave the example, which is a
7 clear example, is a mountain. So if I'm on one side of the
8 mountain, and there is a cell tower directly on the other
9 side, the mountain would interfere; correct?

10 A. Yes.

11 Q. But equally so, a tall building could interfere as well;
12 is that correct?

13 A. It's -- I mean, it's there. It's -- like, the network is
14 setup to cover what's in that area. So I mean, a tall
15 building is a tall building. It's there. It's something that
16 the network has to work around. So that's one of the factors
17 that, you know, we could take into -- I would take into
18 consideration.

19 Q. Let me ask you this: Did you actually go out and look at
20 the various towers involved in this particular case?

21 A. I have looked at the hours in this case, yes, sir.

22 Q. And specifically determined their height?

23 A. I have not specifically looked at their height.

24 Q. Well, how about frequency of use. Can that have an
25 effect of one tower passing the signal to another tower?

1 A. Frequency of use by one phone or, like, overloading is
2 what you're referring to?

3 Q. Overloading the tower.

4 A. So overloading, it's not -- it's something that's talked
5 about a lot, but it's not very common. And what happens in an
6 overloading situation, there's basically two things that can
7 happen.

8 Number 1, if a tower is overloaded, somebody tries to
9 connect to that tower and make a phone call, what's going to
10 happen is the user's going to get a dead -- they're going to
11 dial, they're going to get dead space for probably 30 to 40
12 seconds, and the call is going to drop.

13 So it's not a connected call, it probably will not be
14 recorded on the call detail records.

15 The second situation is the user will make that call, it
16 will be connected to the tower and sector, and sees it as the
17 strongest and clearest signal, which is the overloaded tower.
18 And then if the user is still in an area where it could see
19 the second tower at an acceptable signal level, the network
20 will then move the phone, it will move that call from the
21 overloaded tower to the second tower, but still the first
22 tower that it saw, that's going to be the one recorded on the
23 records.

24 Q. Thank you.

25 And what you said when you looked at this particular

1 illustration, you indicated that it would be indicative -- you
2 said that -- don't misinterpret me, that doesn't necessarily
3 mean the phone is in this azimuth?

4 A. What I said was, I was referring to the shaded area on
5 the sector, to this shaded area here in the middle. What I
6 was saying is that area is just -- it's just -- it's an
7 indication that the energy or the signal from that tower is
8 being emitted in that direction, kind of, like if I were to
9 shine a flashlight from the stand towards the back of the
10 courtroom. It doesn't necessarily mean the phone has to be
11 within that shaded area, but it should be somewhere within
12 that sector.

13 Q. Thank you. Just a few more brief examples.

14 **THE COURT:** I'm sorry?

15 **MR. PURPURA:** Just a few more, Your Honor?

16 **THE COURT:** That's fine. That's fine.

17 **MR. PURPURA:** Thank you.

18 **BY MR. PURPURA:**

19 Q. Same exhibit, this would be page 15. And again, this
20 exhibit deals with the Andre Briscoe phone; is that correct,
21 sir?

22 A. Yes, it does.

23 Q. And at least during this time period from, approximately,
24 3:59:59 p.m. until 6:46:38 p.m., the phone is in this area, in
25 the area of the Perkins Projects; is that correct?

1 A. It's using the towers and sectors in the area around the
2 Perkins Projects. I can't specifically say that the phone is
3 sitting on the steps of a house at the Perkins Projects, but
4 the phone is using all of these towers and sectors, and they
5 all do, kind of, overlap in that area around the Perkins
6 Projects, so the phone has to be somewhere in that general
7 area.

8 Q. And so can you tell from this alone whether the phone is
9 stationary or whether it's moving or you can't tell?

10 A. I can't tell. All I can tell is that the phone is
11 somewhere within this circle that I'm drawing here, and that's
12 just a generalization, it's not specific.

13 Q. And that generalization, again, does involve the Perkins
14 Projects; correct?

15 A. It covers the Perkins Projects.

16 Q. And you are, as an agent in Baltimore --

17 A. Yes, sir.

18 Q. -- you're familiar with the Perkins Projects; correct?

19 A. Yes, sir.

20 Q. High drug area; correct?

21 A. I believe so, yes.

22 Q. Putting up Government's Exhibit 11.1, page 16. Now, when
23 someone leaves, if you're at the Perkins -- down at Perkins
24 Projects, which would be, I guess, East Baltimore right by
25 Fells Point area?

1 A. Yes.

2 Q. And you wanted to go to West Baltimore, and you wanted to
3 end up, perhaps, maybe at either Jennifer's or Kiara's house,
4 it would be fairly easy to go up to Route 40, right?

5 A. Yes.

6 Q. And Route 40 is, kind of, a thoroughfare which is used to
7 go east to west and west to east in Baltimore; correct?

8 A. It is.

9 Q. It's Mulberry Street on one side and --

10 A. Edmondson?

11 Q. No, that's not it.

12 A. No, it's not Edmondson.

13 Q. Franklin, Franklin Street on the other side. Long story
14 short is this would be the route that you would take; correct?

15 A. You could take that route, yes, sir.

16 Q. And this route runs right past, basically, what you've
17 indicated here, Edmondson Avenue and Warwick Avenue; correct?

18 A. Yes.

19 Q. And it does run right up, a little above Jennifer's
20 apartment or house; correct?

21 A. Yes.

22 Q. And Andre's phone has passed along this route; correct?

23 A. Yes.

24 Q. Showing you Government's Exhibit 17.37, and I call this
25 the left, right, right, left, right exhibit?

1 A. Left, right, center.

2 Q. I'm sorry, this is --

3 **THE COURT:** What page are you on? I'm sorry,
4 Mr. Purpura.

5 **MR. PURPURA:** 17 of 37.

6 **THE COURT:** All right.

7 **MR. PURPURA:** You know, the page numbers are in red,
8 so it's hard for us to pick them up, because they're in red.

9 **BY MR. PURPURA:**

10 Q. All right. So we have Mr. Briscoe's phone, again,
11 somewhere off of -- or on Route 40 about 10:33; correct?

12 A. Yes, sir.

13 Q. And then the phone moves over to this direction; correct?

14 A. Well, it starts at 10:11 over on the left side of the
15 page at 10:12, then it goes to the right side of the page, and
16 then it comes back towards the center, and it hits that tower
17 in the center at 10:43.

18 Q. So it's going right, left --

19 A. Yes.

20 Q. -- right, left --

21 A. No, it starts left, right, center.

22 Q. Let's do it again.

23 A. Okay.

24 Q. Use your finger on the -- show me.

25 A. Yes, sir, I would love to. So at 10:11, so this is

1 number one.

2 Q. Okay.

3 A. All right. 10:11, it comes over here to 10:33, and then
4 at 10:43, it's back here in the center.

5 Q. And you stop it there, but you don't know if it stops
6 there?

7 A. No, of course not.

8 Q. Okay. Because if you keep on going, you're going to go
9 either to Jennifer's house or Kiara Haynes's house, right?

10 A. Yes, sir.

11 Q. And again, you would be right on 40; correct?

12 A. Yes.

13 Q. But you stop it there because -- well, that's where you
14 have the little yellow marker, right?

15 A. I thought it was a convenient place to stop, sir.

16 Q. All right. And that's all this map can tell us; correct?

17 A. Yes.

18 Q. And Lexington Terrace, high drug area?

19 A. I'm not familiar with that area.

20 Q. All right. Thank you.

21 Government's Exhibit, again, 21 of 37, page 21 of 37,
22 11.1. Now, correct me if I'm wrong, this particular exhibit
23 which is on page 21, this is the only exhibit which has the
24 phone of Andre Briscoe hitting off the closest cell towers to
25 Jennifer Jeffery's house; correct?

1 A. That's correct.

2 Q. Out of 37 slides, this is the one, right?

3 A. Yes.

4 Q. And the time period is from 12:25 in the morning;
5 right --

6 A. Yes.

7 Q. -- May 27th to 5:15 a.m.; correct?

8 A. Yes, sir.

9 Q. Page 22, same exhibit. At this time, the phone of Andre
10 Briscoe is closest to Kiara Haynes's house, and that is 8:35
11 and 11:41 a.m.; correct?

12 A. It's using the tower between 7:23 and 11:17 closest to
13 Kiara Haynes's house, and then at 8:35 and 11:41 it uses the
14 other tower down there to the bottom right.

15 Q. So most of the calls are right here from this tower?

16 A. Most of the calls are on sector 1, there is one call on
17 sector 2, and then you have two other calls on that other
18 tower down at the bottom.

19 Q. And again, this is away from Jennifer Jeffrey house;
20 correct?

21 A. It is.

22 Q. And the last slide involving either Jennifer Jeffrey or
23 Kiara Haynes's apartment is on page 24. And again, this is
24 indicative that Wane Briscoe's [sic] phone is close to Kiara
25 Haynes's house; correct?

1 A. He uses that tower and sector at 12:58 p.m.

2 Q. I have Wane Briscoe on my mind, I meant to say Andre
3 Briscoe. I apologize.

4 A. Okay.

5 **MR. PURPURA:** Thank you. I have no further
6 questions. Thank you very much for your patience.

7 **THE COURT:** All right. Thank you very much,
8 Mr. Purpura.

9 Any redirect examination, Ms. Brusca?

10 **MS. BRUSCA:** Thank you, Your Honor. I have just
11 very minimal.

12 R E D I R E C T E X A M I N A T I O N

13 **BY MS. BRUSCA:**

14 Q. All right. So first putting up 11.1, you were asked how
15 many slides reflected the Defendants phone up near that tower
16 near Jennifer Jeffrey's house?

17 A. Yes.

18 Q. And we looked at one, but I'd also like to look at
19 page 11. In addition to the later slide on May 27th, is
20 Mr. Briscoe's phone also using the tower up at the house here,
21 Andre Briscoe's phone on May 5th, May 7th, and May 11th?

22 A. I can't see the exhibit at all.

23 Q. Oh, that would be helpful. Is the Defendant's phone also
24 using the tower near Ms. Jeffrey's house on May 5th, May 7th,
25 and May 11th, 2015?

1 A. Yes, ma'am.

2 Q. Including at 3:13 and 3:15 a.m., on May 11, 2015?

3 A. Yes.

4 Q. And Mr. Purpura asked you if a phone was on, but no calls
5 were made, if there would be any records generated; is that
6 right?

7 A. Yes.

8 Q. What about if there was an incoming call? If your phone
9 was on, would it generate a record for the incoming call?

10 A. If your phone was on and the phone was connected to the
11 network, and it was on, it would generate a cell tower -- a
12 cell tower location for that incoming call.

13 Q. All right. And when we looked at 11.2, rows 139 to 140,
14 there was a call during that period incoming to the
15 Defendant's phone --

16 A. Yes.

17 Q. -- at 11:57 a.m.?

18 A. Yes, ma'am.

19 Q. But there was no cell site associated with this; is that
20 correct?

21 A. That's correct.

22 Q. And turning to slide 22, the phone -- the Defendant's
23 phone is in sector 2 for one call at 10:16, and then two calls
24 at 8:35 and 11:41; is that correct?

25 A. Yes.

1 Q. So we know that the phone has either moved from sector 1
2 into an overlap area or into sector 2, and the area of this
3 bottom tower, do you know how far it moved?

4 A. I don't, no. I can't specifically say that it moved or
5 how far it moved, all I can say is that, you know, during
6 these times, between 7:23 and 11:17, it was bouncing back and
7 forth a little bit, and then there's these other activations
8 over to the side.

9 So the phone could either have moved significantly down
10 there and moved back, or again, the phone could be somewhere
11 it's, kind of, seeing all three of those at about an equal
12 strength, and it's just bouncing back and forth.

13 Q. Like you testified earlier, I think it could either be
14 moving back and forth to the front --

15 **MR. PURPURA:** Objection.

16 **THE COURT:** Sustained. Sustained.

17 **MS. BRUSCA:** Okay.

18 **BY MS. BRUSCA:**

19 Q. And when you say it could bounce back and forth and you
20 don't know the movement, do you know whether it can be a lot
21 or a little?

22 A. I don't. I don't know that.

23 Q. And then now turning to page 17, you drew with your
24 finger on the screen, the Defendant's phone moving from right
25 to left to center, and on the next slide it moves back down.

1 While it's going right to left to center, these two towers
2 left and center on slide 17, in the record you --

3 **MR. PURPURA:** Judge, objection.

4 **THE COURT:** Sustain. Sustained. Rephrase the
5 question, please, Ms. Brusca.

6 **BY MS. BRUSCA:**

7 Q. Okay. So can you describe, again, on page 17 where the
8 Defendant's phone goes?

9 A. Yeah, it starts on the left. It moves to the right and
10 then it goes back to the center.

11 Q. So could you use your finger to just draw the path so
12 that there's no --

13 A. I did.

14 Q. Oh, thank you. I'm sorry, I didn't see it on this one.
15 I apologize.

16 A. That's okay.

17 Q. Thank you.

18 So the left and center towers, if you could just circle
19 those?

20 A. Yes, ma'am.

21 Q. During the data you have for the Defendant's cell site
22 apart from May 26, 2015, at 10:11, 10:12 and 10:43 p.m., does
23 the Defendant's phone ever use those towers again?

24 A. No.

25 **MS. BRUSCA:** No further questions.

1 **THE COURT:** Okay. Thank you.

2 Yes, Mr. Purpura?

3 **MR. PURPURA:** Just one.

4 **THE COURT:** That's fine.

5 R E C R O S S - E X A M I N A T I O N

6 **BY MR. PURPURA:**

7 Q. The data -- for how long, what time span did the data
8 include?

9 A. I believe it goes May 1st into -- I think it goes -- it
10 might even be April 1st. It's either April 1st or May 1st
11 into June.

12 Q. Okay. And the phone -- you're saying in the entire time
13 that the phone's never been on Route 40?

14 A. I didn't say that. I said in that time period, the phone
15 never uses those two towers, other than that time period. I
16 didn't say it wasn't on Route 40.

17 **MR. PURPURA:** I have no further questions. Thank
18 you.

19 **THE COURT:** Thank you very much, Agent Wilde.

20 **THE WITNESS:** Thank you.

21 **THE COURT:** You may step down. You shouldn't
22 discuss your testimony with anyone in the event that you're
23 called back to the witness stand.

24 **THE WITNESS:** Yes, sir.

25 **THE COURT:** Thank you very much.

1 All right. Counsel, the next witness will be -- who is
2 the next witness.

3 **MR. BUDLOW:** Your Honor, the Government's next
4 witness is Kiara Haynes.

5 Well, I don't see any sense in starting her now, then
6 taking a break for five minutes. So we'll just break a little
7 earlier. I have my Wednesdays, as I mentioned last week, I
8 have my Wednesday meeting with the other judges, but we're
9 going to do our best to start promptly at 2 o'clock. So this
10 Court will stand in lunch recess until 2 o'clock.

11 **THE CLERK:** All rise. Court stands in recess.

12 (Jury exits courtroom 12:47 p.m.)

13 **THE CLERK:** This court resumes its session. The
14 Honorable Richard D. Bennett is presiding.

15 **THE COURT:** Good afternoon, everyone. We will have
16 Kiara Haynes, who is in custody brought in. She'll be placed
17 over there in the witness box. We will bring the jury in, and
18 she will stand and be sworn. So we'll proceed accordingly.

19 **MS. BRUSCA:** Thank you.

20 **THE COURT:** If you'll come forward, please,
21 Ms. Haynes, and go over there to the witness box, please.
22 Thank you.

23 All right. With that, now we'll bring the jury in.

24 **THE CLERK:** All rise for the jury.

25 (Jury enters courtroom 2:18 p.m.)

1 **THE COURT:** Good afternoon, everyone.

2 (Collective greetings.)

3 **THE COURT:** All right. We'll all be seated and
4 we'll be going -- we'll stop promptly at 5 o'clock today.
5 We'll see about whether we take a break or not, but don't
6 hesitate, if any of you feel like you need a facilities break
7 at some point in time in the afternoon, just put your hand up
8 and Mr. Gurevich will keep an eye on it, and we'll take a
9 break.

10 So with that, the next Government witness, Mr. Budlow?

11 **MR. BUDLOW:** Your Honor, the Government calls Kiara
12 Haynes.

13 **THE COURT:** All right. Ms. Haynes, if you'll please
14 stand and be sworn.

15 **KIARA HAYNES,** having been duly sworn, was examined and
16 testified as follows:

17 **THE WITNESS:** Yes.

18 **THE CLERK:** Thank you. You may have a seat. And
19 while speaking clearly into the microphone, can you please
20 state and spell your full name for the record?

21 **THE WITNESS:** Kiara Haynes. K-i-a-r-a, Haynes,
22 H-a-y-n-e-s.

23 **THE COURT:** Good afternoon, Ms. Haynes. I'm Judge
24 Bennett, the Presiding Judge here. Under the standing rules
25 of our court, masks are to be worn in all public areas, as

1 continued precautions to the COVID-19 pandemic, with the
2 exception that in the courtroom, in the discretion of the
3 Presiding Judge, masks may be pulled down and taken off while
4 a witness is testifying or while lawyers are asking questions
5 if they have been fully vaccinated. Meaning if they've had
6 two vaccination shots or, perhaps, one with Johnson & Johnson.

7 Have you been fully vaccinated?

8 **THE WITNESS:** Yes.

9 **THE COURT:** All right. Then you may pull your mask
10 down while testifying. You don't have to, but you're free to
11 do so.

12 With that, Mr. Budlow, you may proceed.

13 **MR. BUDLOW:** Thank you.

14 D I R E C T E X A M I N A T I O N

15 **BY MR. BUDLOW:**

16 Q. Ms. Haynes, you're currently incarcerated?

17 A. Yes.

18 Q. What crimes are you charged with?

19 A. Aiding and abetting with a firearm that resulted in
20 murder.

21 Q. Are you guilty of those crimes?

22 A. Yes.

23 Q. Did you shoot anyone?

24 A. No.

25 Q. Who did?

1 A. Andre Briscoe.

2 Q. What did you do?

3 A. I provided the gun and got rid of it afterwards.

4 Q. Where did the gun come from?

5 A. My nephew, Tariek Powell.

6 Q. I'm showing you on the screen in front of you,

7 Government's Exhibit 12.8.

8 Do you recognize people in that photograph?

9 A. Yes.

10 Q. Who is on the right of the photograph?

11 A. Me.

12 Q. Who is in the center?

13 A. Jennifer.

14 Q. And who is Jennifer to you?

15 A. A lifetime friend.

16 Q. Did you consider her your best friend?

17 A. Yes.

18 Q. Showing you now Government's Exhibit 12.10, starting
19 first with the photograph on your left, who are the two people
20 depicted in that photograph?

21 A. Me and K.

22 Q. What did you call K?

23 A. Tone Tone.

24 Q. Did you refer to him as a relative of yours?

25 A. Yes.

1 Q. How so?

2 A. My nephew.

3 Q. What did he call you?

4 A. Aunt Kiara.

5 Q. Do you know Andre Briscoe?

6 A. Yes.

7 Q. Is that him over here in the white and the blue shirt?

8 A. Yes.

9 **THE COURT:** Let the record reflect the witness has
10 identified the Defendant, Andre Briscoe.

11 **BY MR. BUDLOW:**

12 Q. Is he related -- are you related to him?

13 A. Yes.

14 Q. When did you meet the Defendant?

15 A. Valentine's Day 2015.

16 Q. Can you describe the nature of your relationship moving
17 forward from that day?

18 A. We had a sexual relationship.

19 Q. And over the course of the next few months, how did you
20 come to feel about the Defendant?

21 A. I was in love with him.

22 Q. For about how long?

23 A. Maybe a few months.

24 Q. The night before your best friend and nephew were
25 murdered, were you in east Baltimore?

1 A. Yes.

2 Q. Whose house were you at?

3 A. His girlfriend, Tiffany's, house.

4 Q. Who were you with at Tiffany's house?

5 A. Andre.

6 Q. The Defendant?

7 A. Yes.

8 Q. Did you discuss any plans with the Defendant that night?

9 A. Yes.

10 Q. What was the plan?

11 A. He came to me and told me that he had planned to take
12 Jennifer's drugs and kill her.

13 Q. What did you say?

14 A. "What do you want me to do, do you want me to get the
15 gun?"

16 Q. What did he say?

17 A. He said, "Yes."

18 Q. It was your idea to get the gun?

19 A. Yes.

20 Q. Did you get the gun?

21 A. Yes.

22 Q. From who?

23 A. My nephew's brother, Tarrell.

24 Q. And so who is your nephew? Is that Tariek Powell that
25 you mentioned earlier?

1 A. Yes.

2 Q. And how did you make that happen that you got the gun
3 from Tariek and Tarrell Powell?

4 A. I tried to contact Tariek on Facebook, and his brother
5 contacted me back and told me that he was incarcerated.

6 Q. And then what?

7 A. So he called me back on the three-way when Tariek called
8 him and I met Tarrell to get the gun.

9 **MR. BUDLOW:** Your Honor, at this time I would ask if
10 we could hand out the transcript binders and direct the jury
11 to 6.5T, for identification purposes only. And when that's
12 done I'm going to play Government's Exhibit 6.5.

13 **THE COURT:** Government's Exhibit 6.5 is the tape
14 recording itself of a statement; is that correct?

15 **MR. BUDLOW:** Your Honor, Government's Exhibit 6.5 is
16 a call, recorded jail call.

17 **THE COURT:** Recorded jail call, okay.

18 **MR. BUDLOW:** It's from May 26, 2015, at 9:19 p.m.

19 **THE COURT:** It's a phone call from whom to whom?

20 **MR. BUDLOW:** I'm going to let the -- that will
21 be hard to --

22 **THE COURT:** Okay.

23 **BY MR. BUDLOW:**

24 Q. If I direct you to any of the transcripts, this is 6.5T,
25 I'll let you know, okay?

1 A. Okay.

2 Q. All right. Again, it's 6.5T.

3 (Recording played but not reported.)

4 **BY MR. BUDLOW:**

5 Q. Ms. Haynes, whose voices did you just hear?

6 A. Tariek and Tarrell.

7 Q. And you said they're your nephews. Can you describe how
8 you're related to them?

9 A. Tariek is my brother's son.

10 Q. And Tarrell?

11 A. Tarrell is his brother.

12 Q. And does Tariek have a nickname?

13 A. Yes.

14 Q. What is that?

15 A. Freaky.

16 Q. Showing you Government's Exhibit 17.3. All right. Let's
17 go to 16.10. 16.10, do you recognize that photograph?

18 A. Yes.

19 Q. Who is that?

20 A. Tariek.

21 Q. 17.13, who is that?

22 A. Tarrell.

23 **MR. BUDLOW:** Your Honor, I would ask the members of
24 the jury to turn to their binders, Government's Exhibit 16.6T
25 again, for identification purposes only. I will then play

1 Government's Exhibit 6.6.

2 (Recording played but not reported.)

3 **MR. BUDLOW:** Your Honor, for the record, I neglected
4 to mention the date and time of this call.

5 **THE COURT:** Yes. It's May 26, 2015; correct?

6 **MR. BUDLOW:** Yes, at 9:19 p.m.

7 **THE COURT:** Yes.

8 **MR. BUDLOW:** Just shortly after the last call we
9 just heard.

10 (Recording played but not reported.)

11 **BY MR. BUDLOW:**

12 Q. Ms. Haynes, whose voices did you hear on that call?

13 A. Me and Tariek.

14 Q. Anybody else?

15 A. No.

16 Q. When you said, "Fam, it's blood," who were you talking
17 about?

18 A. Andre Briscoe.

19 Q. Why would you refer to Andre Briscoe as "fam" or "blood"?

20 A. Because he's blood. He's my family.

21 Q. You said, There is a girl sitting on a cut. Who is that
22 in reference to?

23 A. Jennifer.

24 Q. What does sitting on it mean?

25 A. That she has it in her house in her possession.

1 Q. What's "it"?

2 A. Heroin.

3 Q. At some point in the call you said, "Boy," that was your
4 whole sentence. "Boy," what does that mean?

5 A. That's a street name used for heroin.

6 Q. You told Tariek that there was 30 yaz in it for him. Did
7 I say that right?

8 A. Yes.

9 Q. What are 30 yaz?

10 A. Thirty grams of heroin.

11 Q. When did you first learn that Jennifer Jeffrey was
12 sitting on drugs?

13 A. At Tiffany's house that night -- at Tiffany's house
14 earlier that day.

15 Q. Who did you learn that from?

16 A. Andre.

17 Q. When you say "Andre," do you mean the Defendant?

18 A. Yes. Yes.

19 Q. What did you mean by, "The bitch?"

20 A. The bitch. I don't recall saying that.

21 Q. Well, let me rephrase it.

22 A. Okay.

23 Q. The first call that you heard between Tariek and Tarrell,
24 did you hear them use the term, "The bitch?"

25 A. Yes.

1 Q. Do you know what they were referring to?

2 A. Yes, the gun.

3 Q. So later on the call that you were on with Tariek, he
4 said -- he was talking about his brother being on standby, and
5 he said, So when you're done, you can give him my bitch back,
6 yo. What were you talking about when he said, Give him his
7 bitch back?

8 A. Give him his gun back.

9 Q. How did you get to Tarrell?

10 A. My friend drove me.

11 Q. What is your friend's name?

12 A. Martin DaShields.

13 Q. And in relation to that call, when?

14 A. Can you repeat the question?

15 Q. Had you already called Mr. DaShields at the time that you
16 had this call with Tariek?

17 A. Yes.

18 Q. When did -- if you recall, when did Mr. DaShields pick
19 you up?

20 A. Either while I was on the call or shortly after. I think
21 I was getting into his car when I was on the call.

22 Q. Who were you with at the time?

23 A. Andre.

24 Q. Who went to get the gun? Who all was in the car?

25 A. Me, Andre, and Martin.

1 Q. Did you make any stops along the way?

2 A. I think we made a stop to get some molly or something.
3 I'm not sure.

4 Q. Do you recall if there were any other stops?

5 A. I'm not sure.

6 Q. Where did you go to get the gun?

7 A. Edmondson and Warwick.

8 Q. Did you get out of the car?

9 A. Yes.

10 Q. At first when you got out, did the Defendant get out
11 also?

12 A. No.

13 Q. What did you do when you got out of the car?

14 A. I got out of the car and I went to Edmondson and Warwick
15 on the corner, and I met Tarrell right there.

16 Q. What happened when you met Tarrell?

17 A. He gave me the gun, and he said that it was 16 in the
18 chamber, one in the head, and it was a lemon squeeze.

19 Q. He told you it was a lemon squeeze?

20 A. Yes.

21 Q. Do you have any idea what that meant?

22 A. No.

23 Q. Did he tell you what caliber the gun was?

24 A. Yes.

25 Q. What did he say?

1 A. A .45.

2 Q. Did the Defendant get out of the car?

3 A. Yes.

4 Q. Where did he go?

5 A. When I was coming back to the car, he got out of the car
6 and was talking to Tarrell.

7 Q. And how long did the Defendant spend with Tarrell?

8 A. About two or three minutes.

9 Q. Did you get back in the car?

10 A. Yes.

11 Q. Did the Defendant get back in the car?

12 A. Yes.

13 Q. Where did you go?

14 A. To my apartment.

15 Q. How did you get there?

16 A. Martin drove us.

17 Q. Was the Defendant in the car -- when you said "us," was
18 he in the car for the drive to Edmondson and Warwick back to
19 your house?

20 A. Yes.

21 Q. Showing you Government -- I'm sorry, Defense Exhibit 78,
22 do you see the photo on the screen?

23 A. Yes.

24 Q. Do you recognize that person?

25 A. No.

1 Q. Was he in the car with you at Edmondson and Warwick?

2 A. No.

3 Q. Was he in the car with you at any time that night with
4 Martin DaShields?

5 A. No.

6 Q. When you got back to your houses, did you go inside?

7 A. Yes.

8 Q. Where were you dropped off, do you recall?

9 A. In front of my apartment.

10 Q. And did the Defendant go inside your apartment?

11 A. Yes.

12 Q. Did he stay there?

13 A. For about 15 minutes.

14 Q. Did he tell you where he was going?

15 A. Yes.

16 Q. Where did he say he was going?

17 A. To Jennifer's house.

18 Q. Did he leave?

19 A. Yes. Yes.

20 Q. Do you know how he got there?

21 A. He walked.

22 Q. How do you know that?

23 A. Because it's only about a five-minute walk from my house.

24 Q. When he walked to Jennifer's house, were you at home?

25 A. Yes.

1 Q. What was your address at the time?

2 A. 100 Diener Place.

3 Q. I'm showing you Government's Exhibit 15.4, is this
4 your -- the building that you lived in at the time?

5 A. Yes.

6 Q. And the area to the bottom right where it says Diener
7 Place here, is this your apartment?

8 A. That's how you enter the apartment.

9 Q. Is that the door to your apartment?

10 A. Yes.

11 Q. Showing you page 3, do you see those stairs?

12 A. Yes.

13 Q. On the top right?

14 A. Yes.

15 Q. If you were to walk from your apartment to Jennifer's, is
16 that the direction that you would go?

17 A. Yes.

18 Q. When you got to the stairs, what direction would you
19 turn, right or left to get to Jennifer's house?

20 A. Right.

21 Q. Did you go to Jennifer's house later that night, hours
22 later?

23 A. Yes.

24 Q. What did you do when you got there?

25 A. Banged on the door and demanded for Andre to come

1 outside.

2 Q. How much time had passed roughly from the time that he
3 left your house to the time that you walked to Jennifer's?

4 A. Maybe about five or six hours.

5 Q. How long did you stay outside of Jennifer's house?

6 A. About 10 or 15 minutes.

7 Q. Did you see or talk to the Defendant while you were
8 there?

9 A. No.

10 Q. Did you see or talk to Jennifer while you were there?

11 A. No.

12 Q. Who did you talk to, if anyone?

13 A. I talked to her niece through the door. She never opened
14 the door, but we talked through the door.

15 Q. When you say talk, what level -- what loudness of voice
16 were the two of you talking in?

17 A. We were yelling.

18 Q. Do you know her niece's name?

19 A. Yes.

20 Q. What is it?

21 A. Brianna.

22 Q. And did Brianna stay there occasionally?

23 A. Yes.

24 Q. Did she have any children?

25 A. Yes.

1 Q. One daughter?

2 A. Yes.

3 Q. About how old?

4 A. I think she was like one.

5 Q. When you left Jennifer's front, from outside of her
6 house, where did you go?

7 A. Home.

8 Q. When did the Defendant come back to your house?

9 A. Early that morning.

10 Q. Did you know he was coming?

11 A. Yes, he called.

12 Q. And did he tell you what he was doing while -- when he
13 called?

14 A. He said he was on his way back to my house.

15 Q. Did he come inside?

16 A. Yes.

17 Q. Did you talk to him when he came inside?

18 A. Yes.

19 Q. What did he tell you -- what was his demeanor towards
20 you?

21 A. Oh, he was frustrated. He said that I needed to
22 apologize to Jennifer for coming to her house banging on the
23 door, I was going to mess everything up.

24 Q. He was mad at you for making a scene?

25 A. Yes.

1 Q. What did he tell you about his night at Jen's?

2 A. That he had seen the drugs and it was the most drugs he
3 had ever seen in his life at one point in time, altogether.

4 Q. Did he tell you who else was there?

5 A. Yes.

6 Q. Who did he tell you was also there besides Jen?

7 A. Her niece and her son.

8 Q. "Her niece," you mean Jen's niece, Brianna?

9 A. Yes.

10 Q. And "her son," you mean Tone Tone?

11 A. Yes.

12 Q. Did he tell you anything else about Tone Tone?

13 A. Yes, I had asked him, Did Jennifer drop him off on her
14 way taking Tone Tone to school? And he said, No. Tone Tone
15 was sick he had -- his asthma was acting up.

16 Q. While the Defendant was at your house, did he make any
17 phone calls?

18 A. Yes.

19 Q. Where were you when he was making the calls?

20 A. I think in the living room.

21 Q. Were you inside the house, though?

22 A. Yes.

23 Q. Could you hear what the Defendant was saying?

24 A. Yes.

25 Q. Do you know who he was talking to?

1 A. Yes.

2 Q. How do you know he -- who he was talking to?

3 A. He said it, that I'm talking to Jennifer.

4 Q. What did you hear him say on the call?

5 A. What are you making for breakfast?

6 Q. Ms. Haynes, who is Shawn Gardner?

7 A. My husband.

8 Q. Was he in jail in May of 2015?

9 A. Yes.

10 Q. He was your boyfriend at the time?

11 A. Yes.

12 Q. Did you call him multiple times on May 27th, 2015?

13 A. Can you repeat the question?

14 Q. Sure. Did you call him on May 27th, 2015?

15 A. Did I call who?

16 Q. Shawn Gardner, or did he call you -- withdrawn.

17 Did you speak to him that same morning May 27, 2015?

18 A. Yes.

19 **MR. BUDLOW:** Your Honor, at this time the Government
20 will be playing Government's Exhibit 6.7, and would ask the
21 members of the jury to turn to 6.7T --

22 **THE COURT:** Government's 6.7, as to the others, the
23 recording will come in and the transcript is marked for
24 identification.

25 (Recording played.)

1 **BY MR. BUDLOW:**

2 Q. Whose voices did you hear on that call?

3 A. Me and Shawn.

4 Q. He's not James Williams?

5 A. No.

6 Q. Now, 6.8 and 6.8T for identification purposes.

7 (Recording played.)

8 **MR. BUDLOW:** And Your Honor, for the record, this is
9 a call -- I'm sorry, the last call was on May 27th, 2015, at
10 9:43 a.m., that was 6.7, call 6.8 is --

11 **THE COURT:** 6.7 -- I'm sorry, hold on one second.
12 6.7 was at 9:00- -- 6.7 is May 27, 2015, at 9:43 a.m. in the
13 morning.

14 **MR. BUDLOW:** Yes. Thank you, Your Honor.

15 **THE COURT:** And now we're listening to 6.8, which is
16 that same morning at 9:58 a.m.; is that correct?

17 **MR. BUDLOW:** Yes. Thank you.

18 (Recording played.)

19 **BY MR. BUDLOW:**

20 Q. Ms. Haynes, who were the people on the call?

21 A. Me and Shawn.

22 Q. Did you reference somebody else by name during the call?

23 A. Yes.

24 Q. Who?

25 A. Andre.

1 Q. How did you refer to him on the call?

2 A. Poo.

3 Q. Is that a nickname that you use for the Defendant?

4 A. Yes.

5 Q. The call talked about getting cigarettes. Did the
6 Defendant leave your house at some point that morning?

7 A. Yes.

8 Q. Was that call one of those times?

9 A. Yes.

10 Q. How many times did he leave?

11 A. Twice.

12 Q. Tell us about the first time that he left, you were just
13 discussing on that call.

14 A. The first time, he said he was going to the bar. I told
15 him to get some cigarettes when he was at the bar.

16 Q. Did he go to the bar?

17 A. I think so, yes.

18 Q. When he came back, what did he have with him?

19 A. I think a drink in his back pocket.

20 Q. How about cigarettes?

21 A. Yes, cigarettes.

22 Q. You said there were two times that he left that day; is
23 that right?

24 A. Yes.

25 Q. What did the Defendant tell you before he left the second

1 time?

2 A. That he was going to go get the drugs from Jennifer.

3 Q. Did he have anything with him when he left?

4 A. Yes.

5 Q. What?

6 A. The gun.

7 Q. What was the gun in?

8 A. A blue and white rainbow bag.

9 Q. How do you know that he had that gun in there?

10 A. Because he got it from under my mattress.

11 Q. Was the bag under your mattress, or just the gun?

12 A. Just the gun.

13 Q. Tell the members of the jury what you observed in terms
14 of him getting the gun?

15 A. Oh, he got the gun and put it in the bag.

16 Q. Did he leave?

17 A. Yes.

18 Q. Did you leave the house while the Defendant was gone?

19 A. No.

20 Q. Did you call the Defendant at any time after he left?

21 A. Yes.

22 Q. Did he answer?

23 A. No.

24 Q. Why did you call him?

25 A. Because I wanted him to turnaround. I had changed my

1 mind. I didn't want to do it anymore.

2 Q. But you didn't go run after him?

3 A. No.

4 Q. Did you see the Defendant again that day?

5 A. Yes.

6 Q. Where?

7 A. He came back to my apartment after.

8 Q. What did he tell you when he got back to your apartment?

9 A. I asked him what happened. He said they were both laying
10 on the kitchen floor dead.

11 Q. How did you react?

12 A. I threw my hands up over my head. I put my head down and
13 I started crying and I said, "Oh, my God."

14 Q. What did the Defendant do?

15 A. He grabbed me and said, "Don't bitch up on me now."

16 Q. When he came back from Jennifer's house, did he have
17 anything with him?

18 A. Yes.

19 Q. What was that?

20 A. He had the blue rainbow bag and another bag full of
21 drugs.

22 Q. So first, with respect to the blue rainbow bag, was
23 anything in it?

24 A. The gun was in there.

25 Q. And what was the other bag?

1 A. A bag of drugs.

2 Q. Can you describe it?

3 A. It was a black plastic bag. It was pretty full.

4 Q. While he was at your house that morning after coming back
5 from Jennifer's, did he give you anything?

6 A. Yes.

7 Q. What did he give you?

8 A. He gave me a bag with drugs in it and said, this was my
9 cut.

10 Q. How did he give it to you?

11 A. He threw it at me.

12 Q. Did he give you anything else?

13 A. Yes, he gave me another bag with capsules of drugs and
14 said that this was for my nephew for letting him borrow the
15 gun.

16 Q. Did you hold onto the bags?

17 A. Yes.

18 Q. You kept them?

19 A. Yes.

20 Q. Did there come a time that morning, that day, I should
21 say, when you left the apartment?

22 A. Yes.

23 Q. Who left?

24 A. Me and Andre.

25 Q. Anybody else with you?

1 A. I don't think so, no.

2 Q. How were you traveling?

3 A. In a HAC.

4 Q. Where did you go first in the HAC?

5 A. Dropped Andre off on Orleans Street, so he could go back
6 to Tiffany's house.

7 Q. Where is Orleans Street in reference to Tiffany's house?

8 A. The projects are right off of Orleans.

9 Q. Where did you go next?

10 A. I went to my cousin Tiera's house.

11 Q. Where does she live?

12 A. She lives on Juneway in east Baltimore.

13 Q. Did you talk to the Defendant on the phone later that
14 day?

15 A. Yes.

16 Q. I'll show you Government's Exhibit 11.2, page 3.

17 Do you see the calls between your phone and Mr. Briscoe's
18 phone at 2:29, 3:45 p.m., and 5:16 p.m., do you see those?

19 A. Yes.

20 Q. I want to ask you a couple of questions about this.

21 First of all, did you go to Tiffany's again that night?

22 A. Yes.

23 Q. In the context of those three calls in green, 2:29, 3:45,
24 and 5:16, do you know when it was that you went to Tiffany's
25 house? Before? Middle? After?

1 A. Probably like the middle.

2 Q. So before 5:16 p.m., that's the last one of the three?

3 A. Yes.

4 Q. Why did you go to Tiffany's house?

5 A. To retrieve the gun.

6 Q. Did you get the gun back?

7 A. Yes.

8 Q. From who?

9 A. Andre.

10 Q. How did he give it back to you? How was it packaged, if
11 at all?

12 A. He just handed it to me, and I said I wasn't touching it.
13 And he took a shirt and wiped it off, wrapped it up in his
14 shirt, put it in a bag, and gave it to me.

15 Q. Where did you go after getting the gun?

16 A. I went to meet Tarrell to give him the gun back.

17 Q. Did you only give him the gun?

18 A. No, I gave him the bag of drugs that Andre had given me
19 to give to him.

20 Q. Did you give him any more drugs than just that?

21 A. Yes, I took a portion of mine and put it in the bag with
22 his, because he didn't give him what he said he was going to.

23 Q. Did you tell Tarrell that that gun had been used in a
24 murder?

25 A. No.

1 Q. Did you tell Tarrell that gun had been used in a robbery?

2 A. Yes.

3 Q. Following the murders, did you stay in Baltimore?

4 A. No.

5 Q. Where did you go?

6 A. To Cambridge.

7 Q. Why Cambridge?

8 A. That's where my family was at, that's where Andre was at.

9 Q. Did you have a conversation with Andre about Cambridge
10 before you went to Cambridge?

11 A. Yes.

12 Q. What did he say?

13 A. He said he felt safer if I was down there with him.

14 Q. How did you get there?

15 A. I caught a HAC.

16 Q. And who paid for the HAC?

17 A. I gave him \$50 in Baltimore. Andre gave him \$50 when we
18 got to Cambridge.

19 Q. Where did you get the money for the HAC?

20 A. I sold the drugs that Andre had given me.

21 Q. The drugs he stole from Jennifer?

22 A. Yes.

23 Q. How much money did you make from selling those drugs?

24 A. Only about \$375.

25 Q. After you sold all of the drugs that you got?

1 A. Yes.

2 MR. BUDLOW: Court's indulgence.

3 BY MR. BUDLOW:

4 Q. Ms. Haynes, have you been interviewed regarding this
5 investigation on many occasions?

6 A. Yes.

7 Q. Have you lied about Jen and K's murders?

8 A. Yes.

9 Q. To who?

10 A. To FBI agents, the Baltimore City police, the Grand Jury,
11 Federal prosecutors, family, friends.

12 Q. ATF?

13 A. ATF.

14 Q. Everyone?

15 A. Everyone.

16 Q. You lied under oath to a Federal Grand Jury?

17 A. Yes.

18 Q. How about the homicide detectives?

19 A. Yes.

20 Q. That was before you pled guilty?

21 A. Yes.

22 Q. Who were you protecting?

23 A. Myself.

24 Q. Originally when you first lied to BPD, the FBI, and ATF,
25 were you only protecting yourself or were you protecting

1 others, too?

2 A. I was protecting Andre as well.

3 Q. Every one of those times you lied, were you covering up
4 your own guilt?

5 A. Yes.

6 Q. Are you covering up your own guilt now?

7 A. No.

8 Q. You pled guilty, right?

9 A. Yes.

10 Q. And you were indicted by a Federal Grand Jury?

11 A. Yes.

12 Q. You came into this courtroom to plead guilty?

13 A. Yes.

14 Q. What did you plead guilty to?

15 A. Aiding and abetting in the use of a firearm that resulted
16 in murder.

17 Q. Who did you aide and abet?

18 A. Andre Briscoe.

19 Q. The Defendant?

20 A. Yes.

21 Q. You had an attorney then, like you do now?

22 A. Yes.

23 Q. And in that plea, did you admit your role in the crime?

24 A. Yes.

25 Q. And there was a long stipulation of agreed facts that you

1 agreed to?

2 A. Yes.

3 Q. And part of that plea agreement was to cooperate and
4 testify truthfully; is that right?

5 A. Yes.

6 Q. Did that include giving truthful testimony about your
7 role?

8 A. Yes.

9 Q. Did it include giving truthful testimony about other
10 people's roles?

11 A. Yes.

12 Q. You had a signed agreement with the United States
13 Government when you plead guilty?

14 A. Yes.

15 Q. And you're testifying here today as part of that
16 agreement?

17 A. Yes.

18 Q. Who signed the agreement on your behalf?

19 A. Me and my lawyer.

20 **MR. BUDLOW:** Your Honor, I have Government's
21 Exhibit 17.6 for identification purposes only.

22 May I approach the witness?

23 **THE COURT:** Yes. Bring it up first so I can see it,
24 Mr. Budlow.

25 **MR. BUDLOW:** Yes.

1 **THE COURT:** All right. First of all, what's the
2 exhibit number on that.

3 **MR. BUDLOW:** 17.6.

4 **THE COURT:** Government Exhibit -- hold on one
5 second, 3.6 --

6 **MR. BUDLOW:** 17.6, your Honor.

7 **THE COURT:** I'm sorry, 17.6. All right. As opposed
8 to trying to do the headsets, which have not worked, we all
9 agree, I need to do an evidentiary matter. Ladies and
10 gentlemen, you need to go into the jury room just very
11 briefly. Just very briefly.

12 (Jury exits courtroom 3:05 p.m.)

13 **THE COURT:** All right. And Marshal, you'll need to
14 take her through here. Just very briefly she'll need to leave
15 the courtroom.

16 **THE MARSHAL:** Yes, Your Honor.

17 (Witness exits courtroom 3:06 p.m.)

18 **THE COURT:** The witness is off the witness stand and
19 is out of the courtroom. The jury is out of the courtroom.
20 Just so we're clear on this, is the Government seeking to
21 introduce -- the Government, under the *Henderson* case, the
22 Fourth Circuit case, the Government -- actually it's the
23 *Henderson* case, the Fourth Circuit case, 717 F.2d 1345,
24 certiorari was denied by the Supreme Court. The Government
25 may introduce terms of a cooperating witness plea agreement,

1 but the caveat is that a statement of facts cannot be included
2 with it, in terms of coming into evidence.

3 So I'm looking at the plea agreement that was entered and
4 filed when she pled guilty before me back in November, and
5 there is the plea agreement, which can come into evidence.
6 And there is the sealed supplement with respect to cooperation
7 which can come into evidence, but not the statement of facts
8 absent the stipulation, because there are certain hearsay
9 stipulations as to that. I'm trying to make sure we're all
10 clear on that, is the point.

11 **MR. BUDLOW:** Yes, Your Honor, and I'll tell you,
12 I -- certainly, that's the way we plan on proceeding -- even
13 less so -- and I think Defense Counsel is aware of this and is
14 on board.

15 My plan is simply to show the witness the documents so
16 she can identify the signature, so we all know we're
17 dealing --

18 **THE COURT:** I understand.

19 **MR. BUDLOW:** -- with the same documents. I
20 certainly plan on asking her questions about the terms, but
21 not having her read it unless --

22 **THE COURT:** All right. The point is the reason I'm
23 trying to make sure we cross T's and dot I's, here. You are
24 certainly free to introduce the plea agreement letter or
25 sealed supplement. For that matter, the Defense is free to

1 ask that the plea agreement be introduced into evidence, as
2 well as the sealed supplement if the Defense so chooses. The
3 point is that in terms of the statement of facts that are
4 included, as a stipulation, that does not come into evidence
5 and we -- the document is stapled together, that's what I'm
6 trying to deal with here in terms of -- if you all agree it's
7 not going to come into evidence at all, that's fine. But my
8 point is that the Defense has the right -- if you chose not to
9 introduced it into evidence, the Defense has the right to ask
10 if it wants to come into evidence, and either side can seek to
11 introduce it into evidence, under Fourth Circuit case law, but
12 not the statement of facts attached. So we need to make sure
13 it's two separate matters so --

14 **MR. BUDLOW:** I think we are all in agreement.

15 **THE COURT:** That's fine. I just want to hear from
16 the Defense on this before it comes in, because I thought it
17 was -- and it is, that he's got the statement of facts
18 attached to it.

19 Now, from the point of view of the Government, you're
20 just marking it for identification and going to question her
21 about it, and you're not offering it into evidence; is that
22 right?

23 **MR. BUDLOW:** That is correct.

24 **THE COURT:** Now, Mr. Purpura, Ms. Whalen, what is
25 your position on this? You concur it, it will not come into

1 evidence it will just be marked for identification?

2 **MS. WHALEN:** The statement of facts, yes.

3 **THE COURT:** Well, no. I'm asking about the plea
4 agreement and the sealed supplement is also just being marked
5 for identification.

6 Either one of you can address me, Mr. Purpura can as
7 well. I'm just trying to clarify that if -- I don't want to
8 waste time with the jury, but if you're seeking to have some
9 of it come in, but not all of it, I need to deal with that.
10 You're not seeking to have the plea agreement itself come into
11 evidence?

12 **MS. WHALEN:** Not at this time, Your Honor. If I --
13 somehow if something happens where I want to change that, I
14 will alert that.

15 **THE COURT:** That's fine. Okay. So we're perfectly
16 clear. And in that case, just so the record is clear under
17 case law, you would be permitted to do so. But again, it's a
18 plea agreement and the sealed supplement, not the statement of
19 facts --

20 **MS. WHALEN:** I understand.

21 **THE COURT:** -- by either side. If there were an
22 agreement on that, Government is free to proceed as you
23 wanted, Mr. Budlow, just mark it for identification and we'll
24 deal with it in that fashion.

25 **MR. BUDLOW:** Thank you.

1 **THE COURT:** So I didn't mean to stop everything, but
2 it's important that we clarify this before -- obviously, we do
3 it on a bench conference, but we can't, and the microphones
4 have not been working well for all of us on that.

5 So with that, we'll bring the witness back in and then
6 we'll go get the jury. Bring Ms. Haynes back in.

7 **MR. BUDLOW:** For scheduling purposes, Your Honor, I
8 probably have five minutes.

9 **THE COURT:** I'm sorry?

10 **MR. BUDLOW:** I probably have five minutes for
11 scheduling purposes. I just want the Court to be aware.
12 Direct Examination should be concluded in five minutes.

13 **THE COURT:** Oh, okay. That's fine. Take your time.
14 Take your time.

15 (Witness resumes witness stand.)

16 **THE COURT:** All right. You may get the jury,
17 Mr. Gurevich.

18 (Jury enters courtroom 3:10 p.m.)

19 **THE COURT:** All right. Ladies and gentlemen, thank
20 you very much. By the time we try to listen with the white
21 noise, it's just quicker to do it that way. Thank you. You
22 may be seated. Be seated, Ms. Haynes.

23 You may continue, Mr. Budlow.

24 **MR. BUDLOW:** Thank you. May I approach?

25 **THE COURT:** Sorry to interrupt you all, but I wanted

1 to clarify an evidentiary matter. Yes, you may go right
2 ahead.

3 **BY MR. BUDLOW:**

4 Q. For the record, I'm showing you 17.6 for ID only. Do you
5 recognize this as your plea agreement?

6 A. Yes.

7 Q. And I just ask you to take a look at the signatures on
8 page 9 and page 5 of the supplement. That's your signature on
9 both of those?

10 A. Yes.

11 Q. What is your understandings of what you are obligated to
12 do under that plea agreement?

13 A. To tell the truth.

14 Q. If you fulfill your obligations under that plea
15 agreement, what is your understanding of what the Government
16 will do for you?

17 A. Lower the guidelines and get rid of the mandatory
18 minimum.

19 Q. What do you hope will happen if the Government makes that
20 motion to lower the guidelines and to change the -- get rid of
21 the mandatory minimum?

22 A. That I'll be able to see my kids grow up.

23 Q. Has the Government made you any promises about what
24 sentence you will receive if you were to fully cooperate?

25 A. No.

1 Q. Who will determine what sentence you will receive?

2 A. The Judge.

3 Q. What do you understand will happen if you do not tell the
4 truth?

5 A. That my plea agreement will be null and void.

6 Q. That cooperation agreement will be torn up?

7 A. Yeah.

8 Q. Will you be allowed to withdraw your guilty plea if that
9 happens?

10 A. No.

11 Q. And does the Government's making a motion for cooperation
12 depend in anyway on the outcome of any trial?

13 A. No.

14 Q. That plea agreement, does it include the types of
15 conduct, or the things that you could do that would violate
16 the agreement and allow the Government to tear it up?

17 A. Yes.

18 Q. Does that include you lying?

19 A. Yes.

20 Q. Does it include you minimizing your own conduct?

21 A. Yes.

22 Q. And do you understand what it means to minimize your own
23 conduct?

24 A. Yes.

25 Q. Does it include falsely implicating someone else?

1 A. Yes.

2 Q. Meaning making someone else look guilty who isn't guilty?

3 A. Yes.

4 Q. And that would violate your plea agreement?

5 A. Yes.

6 **MR. BUDLOW:** That's all I have.

7 **THE COURT:** Thank you, Mr. Budlow.

8 Cross-examination, Ms. Whalen?

9 **MS. WHALEN:** Thank you, Your Honor.

10 C R O S S - E X A M I N A T I O N

11 **BY MS. WHALEN:**

12 Q. Good afternoon, Ms. Haynes. My name is Teresa Whalen and
13 we haven't met before; have we?

14 A. No.

15 Q. And you were asked a question about whether you had met
16 multiple times with law enforcement agents or prosecuting
17 attorneys, and you said yes, right?

18 A. Yes.

19 Q. Okay. And do you know about how many times you've met?

20 A. No.

21 Q. Ms. Jeffrey, you said was a lifelong friend and a best
22 friend, right?

23 A. Yes.

24 Q. So close that you ran together, hung together, partied
25 together, right?

1 A. Yes.

2 Q. And you considered her son, Tone Tone, to be a nephew?

3 A. Yes.

4 Q. Was he like a godson as well?

5 A. Yes.

6 Q. Now, I'm going to show you a photograph, 16.1.

7 Government's Exhibit 16.1.

8 Does that appear to be a picture of Ms. Jeffrey?

9 **THE COURT:** This is Government's Exhibit what again?
10 I'm sorry, Ms. Whalen.

11 **MS. WHALEN:** 16.1.

12 **THE COURT:** All right. Thank you.

13 **BY MS. WHALEN:**

14 Q. Does that appear to be Ms. Jeffrey?

15 A. Yes.

16 Q. Do you recall that from her Facebook page?

17 A. Yes.

18 Q. Is that pretty much how she appeared back in 2015?

19 A. Yes.

20 Q. Now, yesterday -- or excuse me.

21 Earlier, you were shown a photograph of yourself, and
22 Ms. Jeffrey, and a third woman.

23 Do you recall that?

24 A. Yes.

25 Q. And was that a photograph that was placed on a Facebook

1 account?

2 A. Yes.

3 Q. Posted on Facebook?

4 A. Yes.

5 Q. Did you post it?

6 A. I don't remember.

7 Q. And -- but you recognize the picture, right?

8 A. Yes.

9 Q. And was that how you appeared back in 2015?

10 A. Yes.

11 Q. And again, Ms. -- was that picture taken somewhere in the
12 timeframe of 2015?

13 A. Yes.

14 Q. Let me show you the third page of 16.1, that's a
15 photograph of Ms. Jeffrey and Tone Tone, right?

16 A. Yes.

17 Q. And that appears, maybe, to be Halloween; correct?

18 A. Possibly, yes.

19 Q. Did you celebrate Halloween with Tone Tone when this
20 picture -- or the year this picture was taken?

21 A. I don't recall.

22 Q. Were you part of all of the special occasions in Tone
23 Tone's life? Birthday parties, that kind of thing?

24 A. Yes.

25 Q. Would you consider yourself to be a special aunt back

1 then?

2 A. Yes.

3 Q. You'd known her about 13 years, right?

4 A. Yes.

5 Q. And, of course, Tone Tone all of his life, right?

6 A. Yes.

7 Q. And you knew she had gotten involved in drugs at some
8 point; correct?

9 A. Yes.

10 Q. She was selling Percocet, right?

11 A. Yes.

12 Q. You purchased a Percocet, at least on one occasion from
13 her, right?

14 A. Yes.

15 Q. And those Percocets were sold for \$20 a piece?

16 A. Yes.

17 Q. Do you remember whether her prescription bottle was 120
18 to 130 pills?

19 A. Yes.

20 Q. And each month she would sell all of them?

21 A. Yes.

22 Q. So she was bringing in quite a bit of money by selling
23 the pills; correct?

24 A. Yes.

25 Q. Do you know if she had a real job, like a job where she

1 went somewhere and got paid a salary?

2 A. No, she did not.

3 Q. And at some point her drug dealing began to involve other
4 people; is that right?

5 A. Yes.

6 Q. Okay. So you saw her at some times picking up bags for
7 people and/or money for people?

8 A. Yes.

9 Q. All right. And you also saw her distributing, or
10 selling, or giving drugs to people?

11 A. Yes.

12 Q. Other than the Percocet I'm talking about now?

13 A. Yes.

14 Q. And so that would be heroin?

15 A. Yes.

16 Q. Cocaine?

17 A. Yes.

18 Q. Any other drugs that you recall?

19 A. Not that I recall, no.

20 Q. But suffice it to say, in all of this activity, you
21 thought she was making a lot of money, right?

22 A. Yes.

23 Q. She certainly had more money than you?

24 A. Yes.

25 Q. You didn't have a job, right?

1 A. No.

2 Q. You were on food stamps?

3 A. Yes.

4 Q. And how many children did you have at this time?

5 A. One.

6 Q. How old was your child?

7 A. Four.

8 Q. A son, right?

9 A. Yes.

10 Q. Were you the sole support for your son?

11 A. Yes.

12 Q. Now, you said it was a five- to ten-minute walk to
13 Jennifer's house, right?

14 A. Yes.

15 Q. And you walked there many, many times, right?

16 A. Yes.

17 Q. Did she walk that same distance to your house?

18 A. No, she would drive.

19 Q. She would drive, okay.

20 Now, you mentioned that you have some family in the
21 Cambridge area, right?

22 A. Yes.

23 Q. Did you go there, I think, as a little girl and stay with
24 some family?

25 A. I used to go visit my grandmother.

1 Q. And it was a place that you loved and was special to you,
2 right?

3 A. Yes.

4 Q. And you were always dreaming to get back to Cambridge;
5 correct?

6 A. Yes.

7 Q. And so in February, actually Valentine's Day, you met
8 Andre Briscoe; correct?

9 A. Yes.

10 Q. And you didn't know, at the time, that this was a, maybe,
11 second cousin of yours, right?

12 A. Yes.

13 Q. But you figured that out, right?

14 A. Yes.

15 Q. And then you started a relationship with him?

16 A. Yes.

17 Q. Now, in February or March of that year, 2015, Andre
18 Briscoe decided he was going to move back to Cambridge;
19 correct?

20 A. Yes.

21 Q. And he did so, right?

22 A. Yes.

23 Q. Now, you knew a person by the name of Tiffany Jackson,
24 right?

25 A. Yes.

1 Q. You're looking at me funny. Did you just know her as
2 Tiffany?

3 A. Yes, just Tiffany.

4 Q. Okay. You didn't know her last name?

5 A. No.

6 Q. And she lived in the Perkins Home Projects, right?

7 A. Yes.

8 Q. You had been to that development or, I guess, it's called
9 a project, but you had been there on multiple occasions before
10 2015; is that right?

11 A. I don't recall.

12 Q. Okay. Had you been in, not necessarily Tiffany's home,
13 but had you been to that location where the apartment
14 buildings are?

15 A. Yes.

16 Q. Okay. And the reception, cell phone reception, is
17 sometimes spotty there, is it not?

18 A. I don't know.

19 Q. At some point in the spring of 2015, Ms. Jeffrey decides
20 that she's going to marry Kester Brown, who is in prison; is
21 that right?

22 A. Yes.

23 Q. And she decides she would like to take a road trip with
24 you down to Cambridge, right?

25 A. Yes.

1 Q. And that made you all excited because you would be able
2 to get down there again, right?

3 A. Yes.

4 Q. Because you didn't have a car?

5 A. Right.

6 Q. And that trip was for Ms. Jeffrey to meet family, right?

7 A. Yes.

8 Q. And would you call it, kind of, like a bachelorette, sort
9 of?

10 A. Yes, that's what we called it.

11 Q. You did, okay?

12 And was it your belief that Ms. Jeffrey was going on that
13 trip to have a one-night stand?

14 A. Possibly. Knowing her, yes.

15 Q. And you say "knowing her," you knew her very well, right?

16 A. Yes.

17 Q. And you believed that she would have sex with just about
18 anybody, right?

19 A. Yes.

20 Q. Including your boyfriend, right?

21 A. Yes.

22 Q. Was that a bone of contention for you?

23 In other words, you would get upset with Ms. Jeffrey for
24 doing that kind of thing, right?

25 A. Yes.

1 Q. And that kind of -- can I call it annoyance with her or
2 anger with her? Would anger really be the proper term for
3 someone that sleeps with your boyfriend?

4 A. Yes.

5 Q. And especially if that's your best friend, right?

6 A. Yes.

7 Q. Okay. So that kind of anger occurred on more than one
8 occasion; did it not?

9 A. No.

10 Q. How many times did you get angry at her for sleeping with
11 someone?

12 A. With my boyfriend?

13 Q. With someone, anyone. Let's start there.

14 A. Oh, yes that happened more than once.

15 Q. And did it happen more than once with your boyfriend or
16 just once?

17 A. Just once.

18 Q. During this trip, you and Ms. Jeffrey decide that you
19 were going to help her make a -- I believe it was a wedding
20 veil; is that correct?

21 A. Yes.

22 Q. And you had some skills, I guess, with a sewing machine?

23 A. Yes.

24 Q. So you stop off at a store, and you get the lace or
25 material, and you help her make that veil?

1 A. Yes.

2 Q. Now, she was, kind of, a flirtatious type; is that
3 correct?

4 A. Yes.

5 Q. People gravitated to her?

6 A. Yes.

7 Q. And when you brought her down to Cambridge, all of the
8 guys wanted to talk to her, right?

9 A. Yes.

10 Q. And Cambridge is, kind of, a small community, at least in
11 this group; is that correct?

12 A. Yes.

13 Q. And so this was the new girl in town, right?

14 A. Yes.

15 Q. And the night of Ms. Jeffrey's wedding, do you recall
16 that Tony and Andre came back to Baltimore from Cambridge, and
17 stayed with Ms. Jeffrey?

18 A. Yes.

19 Q. There was a point in time when Ms. Jeffrey and Tony began
20 to see each other romantically; right?

21 A. Yes.

22 Q. And was that a fairly frequent occurrence to your memory,
23 that they would see each other?

24 A. Yes.

25 Q. Tony has now been introduced to you as, also, a new

1 cousin that you didn't know about from Cambridge, right?

2 A. Yes.

3 Q. And at some point you learned that Ms. Jeffrey was having
4 communication with Tony, and you were not involved in it,
5 right?

6 A. Can you repeat that?

7 Q. At some time you learned that Ms. Jeffrey was talking
8 with Tony, and you were not a part of those conversations?

9 A. No.

10 Q. No?

11 A. No.

12 Q. So you were always on a three-way with Tony and
13 Ms. Jeffrey when they spoke?

14 A. No, I was not.

15 Q. At some point did you learn that Ms. Jeffrey was seeing
16 the Cambridge -- whether it be Tony or Andre -- and you were
17 not a part of that meeting?

18 A. No, I was always there.

19 Q. All right. You came to know a person by the name of CJ
20 Williams, right?

21 A. Yes.

22 Q. And Mr. Williams, at some point, moved into the basement
23 of Ms. Jeffrey's apartment?

24 A. Yes, house.

25 Q. House, excuse me.

1 And Mr. Williams was involved in the drug trade, right?

2 A. Yes.

3 Q. And you knew that Jennifer began helping him out with his
4 drug trade, right?

5 A. Yes.

6 Q. There came a point that you were mad at Jennifer and you
7 de-friended her from your Facebook account; correct?

8 A. Yes.

9 Q. And around that same time, Andre knew, Andre Briscoe,
10 knew that you and Jennifer were having words or having
11 problems, right?

12 A. Yes.

13 Q. And you were telling him about it, right?

14 A. Yes.

15 Q. Because you wanted him to know what Jen was doing that
16 you didn't like, right?

17 A. Yes.

18 Q. You wanted your cousin, Andre Briscoe, to know that she
19 was not being nice to you, right?

20 A. Yes. Well, she would do it in front of their faces,
21 so...

22 Q. And sometimes she -- so she would do it in front of their
23 faces? What is the "it" that she was doing that would make
24 you angry?

25 A. She would say certain things, like calling me broke, or

1 say that she was going to the store to get -- purchase
2 something to eat that was expensive, and I couldn't take part
3 of it because I was a quote/unquote, in her words, broke
4 bitch.

5 Q. So things like she would say, I'm going to go eat, steak
6 and get some champagne, but you've got to go use your food,
7 stamps, right?

8 A. Yes.

9 Q. And that was a routine thing that she would do?

10 A. No.

11 Q. But flaunting her money in front of you when you had
12 none, that became somewhat routine; did it not?

13 A. Yes.

14 Q. And that was making you even more angry, right?

15 A. I guess, yes.

16 Q. And I'm going to ask you to really think hard about 2015,
17 you weren't happy with her one bit, right?

18 A. No.

19 Q. And in that same timeframe, you had been fronted, in
20 other words, Jennifer gave you a Percocet pill, and you owed
21 her \$20, right?

22 A. Yes.

23 Q. And you never paid that -- well, for a long period of
24 time, you never paid that \$20, right?

25 A. Yes.

1 Q. And she kept hounding you for that \$20, right?

2 A. Yes.

3 Q. And you thought that was really unfair?

4 A. Yes.

5 Q. And you made sure to post it on Facebook because you
6 thought it was so unfair, you wanted others to know what she
7 was doing?

8 A. I don't recall that, but --

9 Q. You don't recall putting it on Facebook?

10 A. No, I don't.

11 Q. All right. And do you recall that you wanted Tony and
12 Andre to know the real Jennifer Jeffrey, who was hounding you
13 for \$20 for a Percocet pill?

14 A. She would do it in their face, so...

15 Q. So you didn't have to go follow up, is that what you're
16 saying?

17 A. No.

18 Q. Now, at some point, you knew that CJ Williams, through
19 Jennifer, was giving Tony some drugs, right?

20 A. Yes.

21 Q. And Andre Briscoe wanted to get drugs in the same manner,
22 in other words, from CJ Williams, to Jen, to him?

23 A. Yes.

24 Q. Now, about this anger that we were talking about with
25 regard to the Percocet pill and the things that Jennifer was

1 saying to you, that all began about what, like 30, 45 days
2 before she was killed, right?

3 A. Yes.

4 Q. During that timeframe, you also knew she had a gun in her
5 purse, right?

6 A. Yes.

7 Q. And she actually pulled the gun on you at one point,
8 right?

9 A. No, she did not.

10 Q. She didn't pull it on you?

11 A. No.

12 Q. Did you tell law enforcement on July 15, 2020, that she
13 pulled the gun on me for that \$20 bill?

14 A. No, I did not.

15 Q. You're sure of that, right?

16 A. I'm sure. She threatened with me with the gun, she did
17 not pull it on me.

18 Q. Tell me how she threatened you with the gun.

19 A. We were arguing, and I told her to pull the car over, I
20 was going to beat her ass, and she said, Oh, I'm too cute to
21 fight, but you know what I keep in my purse. And I told her
22 that her hands better not move off that steering wheel.

23 Q. And what was going to happen if her hands did move from
24 the steering wheel?

25 A. Then we was all going over the bridge.

1 Q. And didn't you want her to pull the car over so you could
2 fight her?

3 A. Yes.

4 Q. And had she pulled the car over, you were going to fight
5 her, right?

6 A. Yes.

7 Q. And by fight, I don't mean a sissy way of fighting with
8 words, right? You were going to fight her with your arms,
9 your hands, your body, whatever you had, right?

10 A. Yes.

11 Q. You were going to punch her?

12 A. Yes.

13 Q. Beat her?

14 A. Yes.

15 Q. Now, you did ultimately get \$20 to pay Ms. Jeffrey back,
16 right?

17 A. Yes.

18 Q. And you held onto it for a few days rather than just
19 giving it to her, right?

20 A. No.

21 Q. Did you tell law enforcement that you held onto it for a
22 few days?

23 A. I don't recall, no.

24 Q. Detective Lewis from the Baltimore City Police
25 Department, do you remember saying that to him?

1 A. No, I don't.

2 Q. And then you ended up paying her back, right?

3 A. Yes.

4 Q. And do you remember you thought that Jennifer Jeffrey
5 thought things were fine now between you, but it wasn't fine
6 for you, right?

7 A. No.

8 Q. All right. You still were holding that grudge, right?

9 A. Yes.

10 Q. And you were angry still that you even had to pay 20
11 bucks back, right?

12 A. No, I was not angry about having to pay the 20 bucks
13 back.

14 Q. Well, she didn't need \$20?

15 A. No, she didn't.

16 Q. And you had asked for some help with rent, but she
17 wouldn't help with rent either, right?

18 A. Right.

19 Q. Now, on May 26th of 2015, Mr. Briscoe came to see you,
20 right?

21 A. Yes.

22 Q. And at that point, you had paid \$50 for a HAC to get him
23 to Baltimore, right?

24 A. Yes.

25 Q. You spent some time together on that day, right?

1 A. Yes.

2 Q. But then in the evening hours, some time late 10:30,
3 11:00, something like that, he's decides he's going to go to
4 Jennifer's house, right?

5 A. Yes.

6 Q. And that instantly made you mad, right?

7 A. No.

8 Q. How long did it take before you got mad?

9 A. Probably about 4 o'clock in the morning, 3:00 or
10 4 o'clock in the morning.

11 Q. And during that timeframe, you realized he's not coming
12 back, right?

13 A. Yes.

14 Q. And you knew from Tony Harris, that there was a rumor
15 that Andre Briscoe was having sex with Jennifer Jeffrey,
16 right?

17 A. I don't remember who I heard that rumor from, but yes, I
18 knew it was a rumor.

19 Q. All right. So now you're thinking, he's not coming back,
20 so you start calling him, right?

21 A. Yes.

22 Q. And you called him multiple times; correct?

23 A. Yes.

24 Q. But he wasn't answering, right?

25 A. No.

1 Q. And then you started calling Ms. Jeffrey, but she didn't
2 answer; correct?

3 A. I don't recall calling Jennifer until I got outside her
4 house.

5 Q. And tell us about going over to her house?

6 A. I walked up there. I banged on the door. I demanded for
7 Andre to come outside. I called Jennifer's phone. Jennifer
8 niece came down to the door, she did not open it, she just
9 screamed through the door, Kiara, you need to go home, there's
10 kids in here sleep. And I said, I don't care, tell Andre to
11 come outside. And she said, He's not coming outside. You
12 need to go home or I'm going to call the police, and I went
13 home.

14 Q. Now, it was about a -- you told us earlier it was about a
15 10 or 15 minute event, right?

16 A. Yes.

17 Q. So for ten minutes, you are yelling at Andre to come out,
18 right?

19 A. Yes.

20 Q. And you're saying, I know he's in there, right?

21 A. Yes.

22 Q. And you're not talking like you're talking today;
23 correct?

24 A. No.

25 Q. You're yelling at the top of your lungs, right?

1 A. Yes.

2 Q. You wanted to make sure he heard you, right?

3 A. Right.

4 Q. Because you believed he was in there --

5 A. Yes.

6 Q. -- correct?

7 And you actually believed he was in Ms. Jeffrey's bed
8 with her?

9 A. I don't know what I believed at the time.

10 Q. Well, you heard the rumor and you walked over to her
11 house, right, to get him out of there, right?

12 A. Yes.

13 Q. You wanted to make sure that she wasn't sleeping with
14 your boyfriend again, right?

15 A. Yeah.

16 Q. All right. And that yelling went on for 10 to
17 15 minutes, right?

18 A. Yes.

19 Q. And Ms. Street is yelling back at you to get out of
20 there, right?

21 A. Yes.

22 Q. She's going to call the police, right?

23 A. Yes.

24 Q. And you're actually saying, Call the police. I don't
25 care, right?

1 A. I don't recall.

2 Q. What else did you say while banging on that door?

3 A. I don't recall.

4 Q. Well, that banging on the door wasn't just like a knock,
5 like this? (Indicates.)

6 A. No, it was not.

7 Q. Okay. Tell us what it was like.

8 A. I was banging on the door.

9 Q. Banging on the door so loud that Brianna Street is going
10 to call the police on you, right?

11 A. Yes.

12 Q. And did you know that Jennifer Jeffrey had pulled her gun
13 inside the house?

14 A. No.

15 Q. Did you try to open the door while you were banging on
16 it?

17 A. I don't recall.

18 Q. Do you remember if you opened the screen door and banged
19 on the wooden door?

20 A. I don't even recall if there was a screen door or not.

21 Q. All right. Did it hurt your hand the number of times you
22 banged?

23 A. I don't recall.

24 Q. Well, I'm going to ask you to think back. The next
25 day -- well, really hours after, does your hand hurt because

1 you banged on it so much?

2 A. I don't recall.

3 Q. Now, you've told us that sometime in the early morning
4 hours after this incident of you banging on the door and
5 yelling, Mr. Briscoe came back to your home, right?

6 A. Yes.

7 Q. And he called you to say, I'm coming, right?

8 A. Yes.

9 Q. And he told you that you needed to apologize, that it was
10 disrespectful?

11 A. Yes.

12 Q. He said it was disrespectful to the kids, too, right?

13 A. Yes.

14 Q. And he told you that he -- that this was something that
15 basically you shouldn't have done, right?

16 A. He said I was going to mess everything up.

17 Q. Right. And he had already told you that he wanted to
18 have CJ and Jen give him drugs, right?

19 A. No, that's not what he told me before he went over there.
20 No, it's not.

21 Q. So you knew that he was selling small amounts of heroin,
22 right?

23 A. Yes.

24 Q. Now, do you remember that after he told you you should
25 apologize, you were like, No, I'm not going to do that?

1 A. Yes.

2 Q. And you were kind of known for flying off the handle like
3 that, right?

4 A. No.

5 Q. Well, do you remember telling Detective Lewis that you
6 were known for that, when you were talking about the banging
7 incident?

8 A. No, I don't.

9 MS. WHALEN: Court's indulgence.

10 BY MS. WHALEN:

11 Q. You know that the interview with Detective Lewis was
12 recorded back in May of 2015?

13 A. No, I didn't.

14 Q. Let me show you --

15 MS. WHALEN: Counsel, it's page 38, and this is for
16 identification only. Exhibit 66 for identification only.

17 THE COURT: All right. Defense Exhibit 66 for
18 identification only.

19 BY MS. WHALEN:

20 Q. I'm going to ask you to read this paragraph right here,
21 please, to yourself.

22 MR. BUDLOW: Ms. Whalen, can you tell me the first
23 number of that paragraph. There's numbers on it.

24 MS. WHALEN: Middle paragraph.

25 MR. BUDLOW: Okay. Thanks.

1 **THE COURT:** You've shown her Defendant's Exhibit 66
2 to refresh her recollection with respect to what was said?

3 **MS. WHALEN:** Yes, Your Honor.

4 **THE COURT:** All right. That is not a statement
5 under oath; correct?

6 **MS. WHALEN:** That's correct, Your Honor.

7 **THE COURT:** Okay. Fine.

8 **BY MS. WHALEN:**

9 Q. And does that help you remember that during the
10 conversations with Detective Lewis about this incident of you
11 banging on the door, you let him know that you were acting
12 crazy and you were known for that?

13 A. Yes.

14 Q. You never did apologize; did you?

15 A. No.

16 Q. Now, at some point, Mr. Briscoe went to the store or the
17 bar, it's the same thing; correct?

18 A. Yes.

19 Q. And he came back with a bottle, you believe?

20 A. Yes.

21 Q. And cigarettes?

22 A. Yes.

23 Q. Now, do you recall that, again, that May discussion with
24 Detective Lewis, that you actually indicated that he didn't
25 really go anywhere else, you two caught a hack and you went

1 down to Perkins Homes?

2 A. Yes, I lied.

3 Q. When Mr. Briscoe came back to your house in the early
4 morning hours or at any time that day, there was no blood on
5 him, right?

6 A. Not that I recall, no.

7 Q. You would have seen that, right?

8 A. Yes.

9 Q. After you learned that Ms. Jeffrey and her son had been
10 killed, there were rumors flying everywhere, right?

11 A. Yes.

12 Q. Rumors that you were involved; correct?

13 A. Yes.

14 Q. And, in fact, her family contacted you and others in
15 Cambridge, and claimed that you were involved in this?

16 A. Yes.

17 Q. And they also said that they knew that Andre Briscoe had
18 met Ms. Jeffrey through you, right?

19 A. Yes.

20 Q. And they also told you that he was there the whole night
21 before?

22 A. Yes.

23 Q. And they were asking, What happened? What did you guys
24 do? Did you have anything to do with it? Right?

25 A. Yes.

1 Q. And it got a little ugly with Danielle Wilder, the sister
2 of Ms. Jeffrey; did it not?

3 A. Not really, no.

4 Q. Well, she was accusing you of killing your best friend,
5 right?

6 A. She was accusing me of knowing something about it.

7 Q. Okay. And she -- the two of you had conversation on a
8 Facebook post, messaging, back and forth about this, right?

9 A. Yes.

10 Q. And you told her you had nothing to do with it?

11 A. Yes.

12 Q. And you couldn't believe that she would, in any way,
13 infer that you did have something to do with it, right?

14 A. Yes.

15 Q. And you told her that over and over again, right?

16 A. Yes.

17 Q. And you didn't go to Ms. Jeffrey's funeral?

18 A. No, I did not.

19 Q. Tone Tone's funeral?

20 A. No.

21 Q. There were other rumors swirling around, too, besides you
22 and Mr. Briscoe might have had something to do with this,
23 right?

24 A. I think, I'm not sure.

25 Q. Do you remember rumors relating to other drugs being in

1 the house?

2 A. Other drugs being in the house?

3 Q. Yes, Ms. Haynes.

4 A. Yes.

5 Q. So there was just regular news media accounts; correct?

6 A. Regular what?

7 Q. News media accounts on regular TV, right, of what
8 happened?

9 A. Yes.

10 Q. There was also social media postings about what happened,
11 right?

12 A. Yes.

13 Q. And did you see things on YouTube as well?

14 A. No.

15 Q. So people in your community were talking about it;
16 correct?

17 A. Yes.

18 Q. I'm going to show you what is Defendant's Exhibit 125.
19 So Ms. Haynes, whether you remember the dates or not, in May,
20 shortly after the murders of Jennifer and Tone Tone, you
21 talked to Detective Lewis from the Baltimore Police
22 Department, right?

23 A. Yes.

24 Q. And in that timeframe or during that statement, you had
25 learned from Jennifer's family that he might want to talk to

1 you, right?

2 A. Yes.

3 Q. So you contact him and say, I want to come in and talk to
4 you, right?

5 A. Yes.

6 Q. You knew that Detective Lewis, or whoever from the police
7 department, knew about the incident where you had gone over at
8 4:00 in the morning, screaming and ranting at Jennifer, right?

9 A. Yes.

10 Q. And so you knew at that point that they might be looking
11 at you, right?

12 A. Yes.

13 Q. But after you gave your statement to Detective Lewis on
14 May 29th of 2015, nobody asked to search your phone; did they?

15 A. No.

16 Q. Nobody asked to come and search your house; did they?

17 A. No.

18 Q. And they didn't get a search warrant that allowed them to
19 break the door down and look in your house, right?

20 A. No.

21 Q. And they didn't get a search warrant, at that time, that
22 allowed them to go through your phone, right?

23 A. No.

24 Q. Okay. During that statement to Detective Lewis, you
25 say -- you tell them about the banging incident, right?

1 A. Yes.

2 Q. And you tell him about Andre Briscoe being there the
3 night before, right?

4 A. Yes.

5 Q. And you tell him that Andre came back in the morning,
6 right?

7 A. Yes.

8 Q. And you tell him that Andre didn't have anything from
9 Jennifer's house or anything in his hands when he came back,
10 right?

11 A. Yes.

12 Q. And you say that at some point you may have had sex with
13 Andre, right?

14 A. Yes.

15 Q. And you say that you slept a bit, right?

16 A. Yes.

17 Q. And then you and he caught a HAC? He to Perkins Homes
18 and you to Tiera's house, right?

19 A. Yes.

20 Q. That was the statement on May 29th of 2015, in sum and
21 substance, right?

22 A. Uh-huh.

23 Q. Okay. And after that, you don't hear from law
24 enforcement again until Special Agent Weaver comes to you when
25 you were living in Pennsylvania, right?

1 A. Yes.

2 Q. And that, do you recall, being February 24th of 2020?

3 A. Yes.

4 Q. All right. Now, would you agree with me, Ms. Haynes,
5 that if the statement that you made to Detective Lewis in May
6 of 2015 was the truth, then mostly everything that you said
7 about Andre Briscoe's conduct with regard to these murders is
8 a lie?

9 **MR. BUDLOW:** Objection.

10 **THE COURT:** Overruled. Overruled.

11 **THE WITNESS:** I lied in 2015, I did not tell the
12 truth to Detective Lewis.

13 **BY MS. WHALEN:**

14 Q. And if it were the truth, the other things are the lies,
15 right?

16 A. It was not. I did not tell the truth in 2015.
17 Everything I'm saying today is the truth.

18 Q. Now, let's go to February of 2020, okay?

19 Special Agent Weaver comes to your house, you say to him,
20 Andre Briscoe left, went to the store or the bar, and he came
21 back with a bottle in his pocket, right?

22 A. Uh-huh.

23 Q. And you don't say anything more, except for that you guys
24 catch a HAC, right?

25 A. Yes.

1 Q. Okay. So in February of 2020, when you first talk to ATF
2 Agent Weaver, that's what you said, right?

3 A. Yes.

4 Q. And then July 15th of 2020, you are now interviewed, but
5 you have a lawyer, right?

6 A. Yes.

7 Q. And his name was Henslee, right?

8 A. Yes.

9 Q. That is because you had received a Grand Jury summons,
10 right?

11 A. Yes.

12 Q. Then you were entitled to have a lawyer appointed for
13 you; correct?

14 A. Yes.

15 Q. Now, you certainly met with Mr. Henslee before you were
16 going to testify before the Grand Jury, right?

17 A. No.

18 Q. Never met with him at all?

19 A. No.

20 Q. Did you meet with him here at the courthouse with the
21 U.S. attorneys?

22 A. Yes.

23 Q. And maybe Special Agent Weaver too, right?

24 A. Yes.

25 Q. And did you talk to him about what is happening?

1 A. Yes.

2 Q. And on July 15th of 2020, you tell everyone that, Andre
3 Briscoe came back to my house. He left, went to the store or
4 the bar, came back, later we caught a HAC, went down to
5 Perkins Home, right?

6 A. Yes.

7 Q. And that's with your lawyer present, right?

8 A. Yes.

9 Q. And certainly your lawyer said, Hey, you're going to have
10 to testify under oath, you better give it up, right?

11 **MR. BUDLOW:** Objection to any communication
12 between --

13 **THE WITNESS:** No.

14 **MS. WHALEN:** I can rephrase.

15 **THE COURT:** Overruled. Overruled. Just rephrase --
16 sustained. Rephrase the question.

17 **MS. WHALEN:** Thank you, I will.

18 **THE COURT:** Ask the question. Rephrase the
19 question. Don't discuss what she discussed with her lawyer,
20 just rephrase the question.

21 **MS. WHALEN:** Thank you, Your Honor.

22 **BY MS. WHALEN:**

23 Q. You knew that you were ultimately going to have to
24 testify under oath about all of this, right?

25 A. Yes.

1 Q. And that you could be subject to perjury charges if you
2 lied, right?

3 A. Yes.

4 Q. And you knew, I imagine, that perjury carries up to a
5 maximum of ten years in jail, right?

6 A. Yes.

7 Q. And who knows what else could have happened if you lied
8 besides the perjury, right?

9 A. Yes.

10 Q. So this is July 15, 2020, right?

11 A. Uh-huh.

12 Q. And then you come back July 22nd, 2020, and that's the
13 Grand Jury, right?

14 A. Yes.

15 Q. Now, before you go to the Grand Jury, you sit down again
16 with prosecutors, Special Agent Weaver, and you still have
17 Mr. Henslee with you, right?

18 A. Yes.

19 Q. And in that conversation -- actually, it kind of went on
20 for a little bit of time, right?

21 A. Yes.

22 Q. Maybe a couple of hours?

23 A. Yes.

24 Q. And you still knew the same thing that you knew like a
25 week before, which is that if you lied before the Grand Jury

1 you would be in trouble, right?

2 A. Yes.

3 Q. In that interview before you testified before the Grand
4 Jury, you for the very first time say, Andre left to get some
5 drugs from Jennifer, right?

6 A. Yes.

7 Q. But actually, that came out after you took a break with
8 Mr. Henslee, and came back in and someone discussed that you
9 were concerned about being in trouble for your previous lies
10 or statements, right?

11 A. Yes.

12 Q. So it wasn't until you are told you're not going to get
13 in any trouble, that you then say, that he left to get some
14 drugs from Jennifer, right?

15 A. I don't recall being told I wasn't going to get in any
16 trouble.

17 Q. You don't recall agents, or -- Special Agent Weaver, or
18 one of the prosecutors saying that?

19 A. No.

20 Q. In this very first time, after you'd spoken to Mr.
21 Henslee, you say, He was going to take the drugs. He came
22 back with a bag that had an imprint of a gun in it, right?

23 A. Yes.

24 Q. An imprint of a gun, right?

25 A. Yes.

1 Q. And you had -- you said you didn't see the inside of the
2 bag?

3 A. Yes.

4 Q. And he had a second bag, right?

5 A. Yes.

6 Q. So this is the very first time you're saying this?

7 A. Yes.

8 Q. Now, you want to be a witness at this point, right, like
9 you don't want to get charged with any crime; correct?

10 A. Correct.

11 Q. And you know that currently you are just a witness for
12 the Grand Jury, right?

13 A. Yes.

14 Q. You're not being charged, right?

15 A. Right.

16 Q. So you give them that kind of information on this
17 occasion, right, that there was an imprint of a gun?

18 A. Yes.

19 Q. But you also tell them earlier in the interview that he
20 said he got some drugs, but not everything, do you remember
21 that?

22 A. No, I don't remember that.

23 Q. Don't you remember telling them that it was a lie later,
24 that he didn't say, I got some drugs, but not all of them?

25 A. I don't recall saying that.

1 **MS. WHALEN:** Court's indulgence. This is for
2 identification only. Government 70 and it's page 3.

3 **MR. BUDLOW:** 70?

4 **MS. WHALEN:** 70.

5 **THE COURT:** What exhibit is this, Ms. Whalen?

6 **MS. WHALEN:** Your Honor, it is Defendant's Exhibit
7 for identification only, 70.

8 **THE COURT:** Okay.

9 **BY MS. WHALEN:**

10 Q. I'm going to show you, Ms. Haynes, and direct your
11 attention to .11, please. Take a look at that and read it to
12 yourself?

13 A. I don't recall saying it.

14 Q. At all?

15 A. No, I don't.

16 Q. Okay. You do not recall, at this time, saying, She gave
17 me some --

18 **THE COURT:** Ms. Whalen, is that Grand Jury testimony
19 under oath or is it just a statement?

20 **MS. WHALEN:** It's a statement, Your Honor.

21 **THE COURT:** You cannot read from it, it's not in
22 evidence.

23 **MS. WHALEN:** Just making sure that --

24 **THE COURT:** No, you can't read from it and ask for
25 her to respond. It's not appropriate. It was not given under

1 oath.

2 **BY MS. WHALEN:**

3 Q. I won't, but I want to clarify and make sure you don't
4 recall saying --

5 A. I said I don't recall.

6 Q. Okay. Now, you go into the Grand Jury on that same day,
7 July 22nd, 2020; correct?

8 A. Yes.

9 Q. And basically what you say there --

10 **MS. WHALEN:** Court's indulgence.

11 **BY MS. WHALEN:**

12 Q. -- is similar to what you had finally revealed in this
13 meeting, right?

14 A. Yes.

15 Q. Now, you never said you went back to Tiffany's house when
16 you testified in the Grand Jury; correct?

17 A. Correct.

18 Q. And you never said that you contacted Tarrell and that
19 you got a gun, right?

20 A. Correct.

21 Q. And you did say, however, that Andre Briscoe had the bags
22 when he got out at Perkins Homes to go to Tiffany's house,
23 right?

24 A. Yes.

25 Q. Now, at some point on October 15th, I believe it was, you

1 met with the Defense investigator; correct?

2 A. Yes.

3 Q. And on that occasion you told the investigator that you
4 caught this HAC --

5 **MR. BUDLOW:** Objection. Did you say this?

6 **THE COURT:** Just a minute, Mr. Budlow. This is,
7 again, a statement that you believe was made, but is not a
8 statement under oath; is that correct?

9 **MS. WHALEN:** That's correct, Your Honor.

10 **THE COURT:** All right. Then you can't go into the
11 contents of it. If it was under oath, it's a different
12 matter. You can ask her the topics.

13 **MS. WHALEN:** And that's, I think, what I'm doing.

14 **THE COURT:** That's fine. Objection is sustained in
15 that regard.

16 **MS. WHALEN:** Thank you.

17 **BY MS. WHALEN:**

18 Q. You talked to the investigator, right?

19 A. Yes.

20 Q. And he asked you questions about what happened on the
21 27th, right?

22 A. Yes.

23 Q. And you told him that you caught a HAC, right, with
24 Andre?

25 A. Yes.

1 Q. And you also told him he didn't have a gun, right?

2 A. Yes.

3 Q. And he didn't have any bags with drugs, right?

4 A. Yes.

5 Q. And this was after, of course, in time you had testified
6 before the Grand Jury, right?

7 A. Yes.

8 Q. Now, you don't have a deal with the Government at all at
9 this point, right?

10 A. No.

11 Q. And at some point, and I believe it was on December 1st
12 of 2020, you get what's called a target letter; correct?

13 A. Yes.

14 Q. And a target letter is a letter to you informing you that
15 you may be charged with a crime and suggesting you get a
16 lawyer; correct?

17 A. Yes.

18 Q. So you took that pretty seriously because now you're not
19 going to be just a witness, you're going to be maybe charged
20 with a crime, right?

21 A. Yes.

22 Q. So you got appointed a different lawyer; correct?

23 A. Yes.

24 Q. And that was Mr. Ruter, right?

25 A. Yes.

1 Q. And at this point, you learn that the Government wants to
2 talk to you again, right?

3 A. Yes.

4 Q. And you, of course, met with Mr. Ruter and talked to him
5 about all of these circumstances, right?

6 A. We spoke over the phone.

7 Q. Of course, this is all during the pandemic, right?

8 A. Yes.

9 Q. December 9th of that same year, you met with a Defense
10 investigator again, right?

11 A. Yes.

12 Q. And pretty much nothing -- he asked you questions, right?

13 A. Yes.

14 Q. All right. And nothing really changed in your story,
15 right?

16 A. Yes, it did.

17 Q. Not about Andre Briscoe and a gun or --

18 A. I told him that Andre had a bag of drugs when he --

19 Q. You told that to the Defense investigator?

20 A. Yes.

21 Q. Okay. Now, you're still not talking about that gun,
22 right?

23 A. No.

24 Q. And so on March 8th of 2021, you and Mr. Ruter come back
25 down here to Baltimore, and you then meet with the Government?

1 A. Yes.

2 Q. Special Agent Weaver, right?

3 A. Yes.

4 Q. And now you know that the Government knows about a gun,
5 right?

6 A. Yes.

7 Q. So you know now things are going to be worse for you;
8 correct?

9 A. Yes.

10 Q. And you know now, that they're going to confront you with
11 the fact that you got a gun, right?

12 A. I'm not sure if I knew that or not, I don't recall.

13 Q. All right. But certainly things are tightening up and
14 getting a little bit worse at that point, right?

15 A. Yes.

16 Q. You could be charged with a crime; correct?

17 A. Yes.

18 Q. At this interview, you say now, the imprint of the gun
19 was a lie. He had a gun, right?

20 A. Yes.

21 Q. You own up to the gun finally, right?

22 A. Yes.

23 Q. You come back in on May 15th, 2021, with Mr. Ruter,
24 right?

25 A. Yes.

1 Q. And they now play you that call with Tariek and Tarrell,
2 right?

3 A. Yes.

4 Q. After they play you that call, you have a discussion
5 about the gun, right?

6 A. Yes.

7 Q. But now, you also tell them for the very first time, that
8 you overheard a telephone call between Jennifer and Mr.
9 Briscoe --

10 A. No.

11 Q. -- regarding a ride?

12 Did you say no?

13 A. No, I told them that on the 8th as well.

14 Q. You're sure of that?

15 A. I'm positive.

16 Q. And in that telephone conversation, there was discussion
17 about a ride back to Cambridge?

18 A. Yes.

19 Q. And it made you mad, and that was because you thought
20 that Andre could get a ride back for free with Jennifer;
21 correct?

22 A. That's because he asked me to pay \$50 for him to ride
23 back to Cambridge.

24 Q. And you also said to the agents and prosecutors, that he
25 was going to meet his connect, meaning CJ Williams, get some

1 drugs, and go to Cambridge, right?

2 A. I'm not sure if that's how I worded it, no.

3 Q. But the sum and substance of that was what was going to
4 happen is what you told them, right?

5 A. No.

6 Q. You told him he was going to meet Jennifer's connect,
7 right?

8 A. I'm not sure.

9 Q. And you told them that he was going to get some drugs,
10 hopefully, from Jennifer or her connect?

11 A. Or that he was going to try to butter her up for the
12 drugs, to get the drugs from her. Yes, I said that.

13 Q. And did you say, also, that he was going to go sell them
14 in Cambridge or words to that effect?

15 A. Probably so, yes.

16 Q. Now, you still don't have a deal with the Government at
17 that point, right?

18 A. No.

19 Q. But you know that things are tightening a little bit
20 tighter, right?

21 A. Yes.

22 Q. All right. Now, in all of these meetings that we're
23 taking about, people would say to you things suggesting that
24 maybe there was more you knew, right?

25 A. Yes.

1 Q. And that went on over and over again, right?

2 A. Yes.

3 Q. And you would have discussions with your lawyer not --
4 don't tell me what he said to you, but you would have
5 discussions relating to the fact that they keep wanting to
6 talk to me, right?

7 A. I guess so. I'm not sure.

8 Q. Okay. But they -- they weren't -- they weren't satisfied
9 with everything that you were saying; correct?

10 A. Correct.

11 Q. And at this point, are you beginning to feel like you are
12 no longer a witness but you might get charged?

13 A. I always knew I was going to get charged.

14 Q. And then on June 18th of 2021, you're actually arrested
15 in Houston, Texas?

16 A. No, Richardson, Texas.

17 Q. Richardson, pardon me. Is that near Houston?

18 A. No.

19 Q. And you had moved down to Texas?

20 A. Yes.

21 Q. When did you move there?

22 A. February 28th.

23 Q. Long distance from Baltimore, right?

24 A. Yes.

25 Q. You're trying to put this all behind you?

1 A. No, I was trying to get my kids settled in Texas because
2 I knew that I was going to get arrested.

3 Q. And so then following the last of the -- not the last,
4 but the timeline, September 10th of '21, you and Mr.
5 Proctor -- another lawyer who was appointed for you -- came in
6 to speak with the Government; correct?

7 A. Yes.

8 Q. And for the first time in this meeting, you still --
9 well, strike that.

10 You still don't have a deal with the Government, right?

11 A. No.

12 Q. You know that they're not satisfied with everything that
13 you're telling them, right?

14 A. I guess. I don't know.

15 Q. And for the very first time, you talk again about that
16 call that you overheard between Mr. Briscoe and Jennifer,
17 right?

18 A. What date is this?

19 Q. September 10th, 2021, this is after your arrest.

20 A. And I was supposed to be here?

21 Q. Do you remember meeting with Special Agent Weaver and
22 prosecutors, with Mr. Proctor your --

23 A. Oh, yes, yes. Yes, I do.

24 Q. In fact, I think Mr. Proctor is here, right? Right
25 behind me, can you see him?

1 A. Yes.

2 Q. And in that meeting, for the first time, you now say,
3 that this phone call with Jennifer that you had earlier said
4 was relating to a ride back to Cambridge, that he said after
5 the call, Hey, sorry. I didn't tell you this before, but I'm
6 going to rob and kill your best friend and your godson?

7 A. No, that's not correct. That's not the first time I told
8 the Government that. I told them that on the 8th, I just told
9 you that.

10 Q. You're sure about that?

11 A. Yes.

12 Q. All right. And you also for the first time, tell them
13 that Andre Briscoe saw bags and bags of drugs?

14 A. No, that's not the first time that I told them that
15 either.

16 Q. Again on the 8th?

17 A. Yes.

18 Q. Now, still don't have your deal, do you?

19 A. No.

20 Q. And I'm sure you learned that the way in which you get a
21 cooperation deal, is you do a proffer? Meaning you tell the
22 Government what you know, right?

23 A. No, I did not know that.

24 Q. Well, that's what you were doing in all of these
25 meetings, right?

1 A. Yes.

2 Q. All right. And then after that, they will decide whether
3 they want to give you a cooperation deal, right?

4 A. Yes.

5 Q. And that's what happened; correct?

6 A. Yes.

7 Q. Because now you have November 1st of 2021, a plea letter,
8 a letter that you identified for us earlier, right?

9 A. Yes.

10 Q. And that plea letter, signed by you, was signed on
11 November 8th of '21, do you remember that?

12 A. Yes.

13 Q. Okay. And that was certainly after you had spoken with
14 your attorney, Mr. Proctor?

15 A. Yes.

16 Q. And at that time, you told the ladies and gentleman of
17 the jury that you were hoping to see your kids grow up, right?

18 A. Yes.

19 Q. That's what you hope to get for trading information with
20 the Government; correct?

21 A. Yes.

22 Q. And how old is your son now?

23 A. Eleven.

24 Q. And how old -- you have a daughter now?

25 A. A daughter, yes.

1 Q. And how old is she?

2 A. Five.

3 Q. And grow up means grow up till they are adult age?

4 A. Yes.

5 Q. The plea offer that you got, finally, was to a count that
6 you knew carried a maximum penalty of life without the
7 possibility of release ever again, right?

8 A. Yes.

9 Q. And you wanted to avoid that at all costs; correct?

10 A. Yes.

11 Q. You also knew that there was a mandatory minimum for that
12 plea offer, right?

13 A. Yes.

14 Q. And the mandatory minimum means, judge has no discretion
15 at all, whether you cooperate or not, you have to do the
16 mandatory minimum that the statute says; correct?

17 A. Yes.

18 Q. And what was the mandatory minimum you were told?

19 A. Ten years per charge.

20 Q. Ten years per charge, all right. And that would have
21 been a floor, or bottom of 20 years; correct?

22 A. Yes.

23 Q. You would get 20 to life, right?

24 A. Yes.

25 Q. And that's only with that -- those two charges; correct?

1 A. Yes.

2 Q. All right. Because you could have been charged with
3 other things, right?

4 A. Like what?

5 Q. Could you have been charged with other things?

6 A. No.

7 Q. And Ms. Haynes, you knew that in each one of these
8 meetings with the prosecution team, that what you said to them
9 could not be used against you because you had signed a proffer
10 letter, right?

11 A. Yes.

12 Q. So even if you had gone in there and confessed to ten
13 murders, they couldn't use it against you, right?

14 A. Right.

15 Q. Your words?

16 A. Yes.

17 **MS. WHALEN:** Your Honor, if the anyone is interested
18 in a break, this might be a good time.

19 **THE COURT:** Does anybody need a break over there?

20 **MS. WHALEN:** Okay.

21 **THE COURT:** Seems like they're okay.

22 **MS. WHALEN:** Wonderful. Thank you.

23 **MR. PURPURA:** Can I raise my hand, too?

24 **THE COURT:** I'm sorry. Mr, Purpura, do you need a
25 break?

1 **MR. PURPURA:** That would be helpful.

2 **THE COURT:** All right. That's fine. We'll take
3 a -- we're going to not go past 5 o'clock. So we'll take a
4 ten-minute recess. Ten-minute recess.

5 **THE CLERK:** All rise. Court stands in recess.

6 (Jury exits courtroom 4:10 p.m.)

7 (Short recess taken.)

8 **THE COURT:** Counsel, we'll be stopping promptly at
9 5:00 today. And I mentioned, I've got to perform a wedding
10 and be at a rehearsal dinner Friday evening. And my wife let
11 me know that if I screw that up and was late, I'd be facing
12 divorce matters, not just marriage matters. I'm teasing here.
13 Bottom line is, my plan is to stop around 3 o'clock or 3:30 on
14 Friday. I'll tell the jury that at the end of the day.

15 **MR. PURPURA:** No objection, Your Honor.

16 **THE COURT:** That's fine. Over my potential divorce
17 if I'm late or what --

18 **MR. PURPURA:** That I object to. 3:30 is perfect.

19 **THE COURT:** It was not quite as emphatic as the
20 matter of never again getting caught on the July 4th weekend
21 as I told you all before, but it was pretty emphatic.

22 **THE CLERK:** All rise for the jury.

23 (Jury enters 4:26 p.m.)

24 **THE COURT:** Thank you, all. Ladies and gentlemen,
25 we'll stop promptly at 5 o'clock. And actually, a little bit

1 before 5:00, probably. I have to go over some scheduling with
2 you all. With that, you're still under oath, Ms. Haynes. If
3 you'll be seated, please.

4 Ms. Whalen, you may continue?

5 **MS. WHALEN:** Thank you, Your Honor.

6 **BY MS. WHALEN:**

7 Q. Ms. Haynes, let me just finish up with the plea agreement
8 that you signed. You indicated that you have to testify
9 truthfully, right?

10 A. Yes.

11 Q. All right. And the people that decide whether you
12 testify truthfully, and therefore, make a motion to get you
13 potentially less jail time, are the United States Government
14 prosecuting attorneys, right?

15 A. Yes.

16 Q. And it's Judge Bennett, himself, that will decide what
17 the sentence will be; correct?

18 A. Yes.

19 Q. Now, do you recall telling Martin DaShields, Marty,
20 something about what you were going to do with the gun?

21 A. Yes.

22 Q. And do you also -- he discussed it with you and said, Do
23 you really want to do this?

24 A. Yes.

25 Q. And you said, I don't care about the -- pardon my

1 language -- but fucking bitch, right?

2 A. Yes.

3 Q. And you told Tiera Haynes something about what happened,
4 right?

5 A. Something about what happened?

6 Q. Something about the murders, right?

7 A. Yes.

8 Q. And this was when you went back to her house, or some
9 time later?

10 A. I'm pretty sure it was when I went back -- when I went
11 to her house.

12 Q. And she said to you, God doesn't like ugly, right?

13 A. Yes.

14 Q. And that you interpreted as being, the "ugly" was
15 Jennifer, right?

16 A. Yes.

17 Q. Now, you remember having phone conversations with
18 Mr. Briscoe in June of 2020 over the jail phone; correct?

19 A. Yes.

20 Q. Multiple phone calls, right?

21 A. Yes.

22 Q. Half hour periods of time, right?

23 A. Yes.

24 Q. Generally?

25 A. Yes.

1 Q. And do you remember that on June 10th of 2020, you said,
2 They want me to talk against you?

3 A. I don't recall the date saying that, no, I don't.

4 Q. But you do recall a conversation like that?

5 A. Probably, yes.

6 Q. Okay. And the "they" would be the United States
7 Government, right?

8 A. Yes.

9 Q. And do you recall that Mr. Briscoe --

10 **MR. BUDLOW:** Objection.

11 **THE COURT:** Sustained. Rephrase the question.

12 **BY MS. WHALEN:**

13 Q. Well, Mr. Briscoe responded to you, right?

14 **MR. BUDLOW:** Objection.

15 **THE COURT:** I'm sorry. Objection is sustained on
16 that. Objection is sustained.

17 **BY MS. WHALEN:**

18 Q. Mr. Briscoe told you --

19 **MR. BUDLOW:** Objection. Sustained.

20 **THE COURT:** We're going to probably stop -- we can
21 stop now, today and we can finish up tomorrow on this if we're
22 going to go down this route, Ms. Whalen.

23 **BY MS. WHALEN:**

24 Q. At no time did Mr. Briscoe indicate you shouldn't
25 cooperate?

1 **MR. BUDLOW:** Objection.

2 **THE COURT:** Sustained. Sustained.

3 Why don't we just call it a day here now. We're going to
4 deal with some evidentiary matters --

5 **MS. WHALEN:** I'll move on, Your Honor.

6 **THE COURT:** Well, you can't testify. Lawyers can't
7 testify, Ms. Whalen. That's as simple as that.

8 **MS. WHALEN:** Thank you, Your Honor.

9 **THE COURT:** Just go ahead. Just keep moving on.

10 **BY MS WHALEN:**

11 Q. Now, are Tariek Powell and -- well, let's start at
12 Tariek. Is he a member of a gang?

13 A. I'm not sure.

14 Q. You're not sure. And how about his brother, Tarrell
15 Powell?

16 A. I don't know.

17 Q. And Shawn Gardner, your later husband, he's a member of
18 BGF, you think, right?

19 A. No.

20 Q. What gang is he a member of?

21 A. Cripps.

22 Q. Cripps, pardon me. Another big gang in Baltimore, to
23 your knowledge?

24 A. Yes.

25 Q. Now, Ms. Haynes, you talked to Shawn Gardner about

1 deleting Ms. Jeffrey from your Facebook account; correct?

2 A. I don't recall, but I probably did.

3 Q. And do you remember telling him about an argument that
4 you and Ms. Jeffrey had where she, meaning Ms. Jeffrey, in
5 some way said that she and her connect were going to kill you
6 and clean your body up, do you remember that?

7 A. I don't recall telling him that.

8 Q. You don't recall telling Shawn Gardner that?

9 A. No, I don't recall that.

10 Q. Now, Shawn Gardner was in prison, right?

11 A. Yes.

12 Q. And he was calling from a jail phone, right?

13 A. Yes.

14 Q. And those phone calls are recorded, right?

15 A. Yes.

16 Q. This is Defense 74B. I'm going to show you with the
17 Court's permission, please.

18 **MS. WHALEN:** Can I approach?

19 **THE COURT:** Yes, certainly.

20 **BY MS. WHALEN:**

21 Q. I'm going to show you what's been marked for
22 identification only, Your Honor, as 74B. I'm going to direct
23 your attention, first, to the top. Does that appear to note
24 May 1st of 2015?

25 **THE COURT:** What is that exhibit number again, I'm

1 sorry?

2 **MS. WHALEN:** 74B.

3 **THE COURT:** Okay. Thank you.

4 **BY MS. WHALEN:**

5 Q. Did you have a chance to see the date?

6 A. Oh, yes.

7 Q. And what is the date?

8 A. May 1st, 2015.

9 Q. That was May 1st, 2015?

10 A. Yes.

11 Q. Now, I'm going to direct you to the bottom of the page,
12 if you would read that to yourself, please. Finished it?

13 A. Yes.

14 Q. All right. Does that help you remember that on this date
15 you told Shawn Gardner, We got into an argument --

16 **MR. BUDLOW:** Objection, Your Honor. I actually have
17 no objection to the audio being played, but the transcript is
18 not in evidence.

19 **THE COURT:** Yes. This is marked for identification
20 only; correct?

21 **MS. WHALEN:** Yes.

22 **THE COURT:** All right. You can ask her questions
23 about it, you can play the audio. And again, the same rule
24 applies, you can actually put the -- what you believe is a
25 transcript, up on the screen, Ms. Whalen, and the jury can

1 look at it and determine if they think it's an accurate
2 depiction or not of what was said. That's fine. As was done
3 with the Government exhibits.

4 **MS. WHALEN:** Thank you, Your Honor. At this point,
5 I was refreshing recollection.

6 **THE COURT:** Okay. That's fine. That's fine.

7 **BY MS. WHALEN:**

8 Q. Does that help you remember, you did get -- you told them
9 about an argument that you had with Jennifer Jeffrey, right?

10 A. Yes. I told him about an argument, but I don't remember
11 exactly what I said. It was seven years ago.

12 Q. Okay.

13 **MS. WHALEN:** Court's indulgence.

14 **BY MS. WHALEN:**

15 Q. Do you remember saying -- and of course it's a long time
16 ago, but do you also remember saying to Shawn Gardner that
17 there had been a time when Jennifer said that she was going to
18 have her connect kill you?

19 A. I don't remember saying that.

20 Q. And did this transcript help you to remember or refresh
21 your recollection?

22 A. It helped me remember Jennifer saying that to me, but I
23 don't remember telling Shawn that.

24 Q. So tell us what Jennifer said to you about killing you?

25 A. I guess she just said that she was going to kill me and

1 have her connect clean me up. I don't recall exactly what was
2 said. It just reflects -- it refreshes my memory a little bit
3 of that conversation that me and her had.

4 Q. All right. And do you recall telling him, also, that
5 you've been catching bodies since you were five?

6 A. No, I don't.

7 Q. And that piece of paper, that transcript, didn't help you
8 remember?

9 A. No.

10 Q. Do you recall on another day, May 9th of 2015, talking to
11 Shawn Gardner again?

12 A. I don't know.

13 Q. And do you recall telling Shawn Gardner that you, the
14 night before, dressed up all in black, and went over to
15 Jennifer's house?

16 A. Yes, I recall saying that, but that's not what happened.

17 Q. Do you recall telling him that you went to the front door
18 and the back door at Jennifer's house, right?

19 A. Yes, I recall saying that, but that's not what happened.

20 Q. And you also told Shawn Gardner that you were there -- I
21 tried it. You said, How could I kill her? I tried it without
22 getting caught.

23 Do you remember saying that to him?

24 A. No, I don't.

25 Q. Do you remember saying, I'm not scared to hurt nobody, to

1 Shawn Gardner?

2 A. No. No, I don't.

3 Q. And do you remember saying to -- let me strike that for a
4 moment.

5 Would looking at a transcript help you to remember?

6 A. No, it would not.

7 Q. And do you recall, also, telling him that you weren't
8 scared, right?

9 A. No, I don't.

10 Q. I mean well, in general, you've been on the streets all
11 of your life before you got incarcerated, right?

12 A. I don't know what you mean on the streets.

13 Q. You weren't scared to be out there, were you?

14 A. Yes, I was.

15 Q. And do you remember saying to Shawn Gardner, I tried to
16 throw -- pardon my language, mother fucking toilet paper with
17 gasoline, set the house on fire. Remember telling him that?

18 A. No, I don't.

19 Q. Do you remember telling him you had to pretty much tell
20 yourself to just runaway from the scene, right, or from the
21 house, right?

22 A. I don't recall telling him that, no.

23 Q. And do you remember telling Shawn Gardner that, The next
24 person I let close, I'm going -- excuse me.

25 The next person I let close and cross me, I'm going to

1 kill?

2 A. No, I don't recall telling him that.

3 Q. Would seeing the transcripts help you to remember this
4 conversation?

5 A. No, it would not.

6 Q. You don't dispute that you had multiple conversations
7 with Shawn Gardner?

8 A. I don't dispute that at all, no.

9 Q. And you don't dispute that you would tell him about your
10 problems with Jennifer Jeffrey, right?

11 A. Yes, I would.

12 Q. And do you remember at the end -- well, strike that.

13 Do you remember Shawn Gardner basically saying, Take care
14 of that?

15 A. No.

16 Q. Would seeing a transcript help you to remember that,
17 Ms. Haynes?

18 A. No.

19 **MS. WHALEN:** Court's indulgence. Would the court
20 indulge showing the tapes that she can't recall?

21 **THE COURT:** How long are these tapes?

22 **MS. WHALEN:** Very short.

23 **THE COURT:** Okay. That's fine. We'll do it right
24 now, that's fine. So we're going to have -- just so I'm
25 clear, we're going to have Defendant's Exhibit 74. And again,

1 there is no prejudice as to subsequent motions, I'm just going
2 to clarify. We're going to have Defendant's Exhibit 74 and
3 Defendant's Exhibit 75 being in the actual audio recordings.
4 And then you will have transcripts that you'll put up on the
5 ELMO that the jury can see, as was done with the Government
6 transcripts; correct, Ms. Whalen?

7 **MS. WHALEN:** Thank you, Your Honor.

8 **THE COURT:** Ladies and gentlemen, as same rules
9 apply with the Government, the audio comes into evidence, the
10 transcripts are just for your benefit, and you can look on
11 your screen to see the transcripts.

12 **MS. WHALEN:** Having a little bit of difficulty. I
13 apologize.

14 **THE COURT:** That's all right.

15 **MS. WHALEN:** Trying to get both things on the
16 screen.

17 **THE COURT:** That's fine. These are Defendant's
18 Exhibit 74, the May 1, 2015, telephone call and Defendant's
19 Exhibit 75, the May 9, 2015 telephone call.

20 I think we're just going to stop for the day. I'll go
21 over some scheduling matters. The jury is going to be
22 excused. You stay where you are, Ms. Haynes. The jury will
23 be excused.

24 Let me give you some scheduling matters while we're here.
25 We're going to start tomorrow at 9:30, okay? Is that good

1 with you, Melissa, can you do that?

2 **THE REPORTER:** Yes, that's fine.

3 **THE COURT:** Denis?

4 **THE CLERK:** Yes, Judge.

5 **THE COURT:** We're going to start tomorrow at 9:30
6 and we're going to start Friday at 9:30 and we're going to go
7 tomorrow until 5 o'clock. But Friday, I have to perform a
8 wedding ceremony, I have to have a rehearsal matter and then a
9 wedding ceremony on Saturday. So I promised my wife we're
10 going to stop around 3:00. It's my fault, not the lawyers'
11 fault. We're going to have to stop around 3:30 on Friday, or
12 thereabouts because I've got to get to this rehearsal.

13 So we're going to start at 9:30 Friday, go right to
14 around 3:30 Friday, maybe have a shorter lunch and that will
15 be Friday. And tomorrow we're going to start at 9:30 and go
16 until 5:00. We definitely are going to drift until next
17 Monday or Tuesday without question in this case, it appears.

18 So with that you all are excused for the evening and I
19 have to just go over a few other matters here.

20 (Jury exits courtroom 4:44 p.m.)

21 **THE COURT:** All right. With that, Ms. Haynes,
22 you're excused and you're not to discuss your testimony with
23 anyone because you'll be back on the witness stand tomorrow at
24 9:30.

25 **THE WITNESS:** Okay.

1 **THE COURT:** All right. With that Counsel, let's go
2 over a little bit of scheduling here, if we can, it might be
3 an appropriate point. Those in the back can all be seated.
4 I'm just going to quickly go over a few things.

5 Thank you, Mr. Cadle, on that. And we're going to get --
6 Mr. Murray, you've been -- thank you for your assistance on
7 these tape recordings. And Mr. Candle, perhaps, you can
8 coordinate with Mr. Murray, but let's get this all teed up,
9 ready to go at 9:30 tomorrow morning on these tapes.

10 Ms. Whalen, I had no problem with you actually asking
11 specific questions on those because I was told, and clearly,
12 there was a tape that the jury can listen to with respect to
13 that and then it's whatever the jury determines is on the
14 recording.

15 Well, how are we looking in terms of the scheduling for
16 tomorrow and Friday and going into Monday? We've been working
17 on instructions and trying to get them narrowed down because
18 they're not so voluminous and we'll be ready. I'm hoping that
19 we can -- the schedule is such that we clearly aren't going to
20 get to the jury Monday, I don't think. But I'm hoping to have
21 closing argument Tuesday.

22 Does that seem to be a reasonable target from the point
23 of view of the Government?

24 **MS. BRUSCA:** I think it is, Your Honor.

25 **THE COURT:** From the point of view of the defense,

1 does that seem like a reasonable? No?

2 **MR. PURPURA:** No, it does not.

3 **THE COURT:** Okay. All right. That's what I'm
4 asking. I just need --

5 **MR. PURPURA:** I apologize.

6 **THE COURT:** That's okay.

7 **MR. PURPURA:** And we're -- obviously, Mr. Briscoe
8 has the right to testify or not testify --

9 **THE COURT:** I'm going to go over that with him at
10 the appropriate time.

11 **MR. PURPURA:** We're still discussing that with him.

12 **THE COURT:** I understand.

13 **MR. PURPURA:** So the answer is, I believe at the
14 very best, honestly, the very best we're going to get to the
15 jury for close Wednesday morning.

16 **THE COURT:** Okay. That's fine. That's fine. I've
17 got a little bit of fudge room here on this. And there is a
18 lengthy sentencing I have that the lawyers in that case
19 thought it was going to be a two-and-a-half day sentencing.
20 I've never had a two-and-a-half day sentencing. I think
21 Counsel is going to realize we're not going to have that one
22 in that case either.

23 So I've kept some fudge room here on that. And I'll
24 leave that to Mr. Budlow to explain that to Mr. Jefferson Gray
25 from the point of the Government. I'll leave that to you,

1 Mr. Budlow, to explain that to him.

2 MR. BUDLOW: It would be my pleasure.

3 THE COURT: All right. Okay. With that, anything
4 else from the point of view from the Government?

5 MS. BRUSCA: No, Your Honor.

6 THE COURT: For the Defense?

7 MS. WHALEN: No, Your Honor.

8 THE COURT: Thank you all very much. This Court
9 stands adjourned for the day.

10 THE CLERK: All rise. Court stands adjourned.

11 (Court adjourned 4:47 p.m.)
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I N D E X P A G E

WITNESS:	PAGE
MARTIN DaSHIELDS	
By Ms. Whalen	4, 17
By Mr. Budlow	13
MATTHEW WILDE	
By Ms. Brusca	19, 94
By Mr. Purpura	77, 98
KIARA HAYNES	
By Mr. Budlow	101
By Ms. Whalen	136

K E Y

K. = Kester

K.B. = Kester Brown

K.B., III = Kester Brown, III

REPORTER NOTE: Quotation marks are used for clarity and do not necessarily reflect a direct quote.

I, Melissa L. Clark, RPR, do hereby certify that the foregoing is a correct transcript from the stenographic record of proceedings in the above-entitled matter.

_____/S/_____
Melissa L. Clark
Official Court Reporter

\$	91:14, 91:25, 92:3, 97:22	11:32 [4] - 68:15, 69:1, 69:4, 78:1	15.4 [1] - 113:3	2012 [4] - 10:21, 21:7, 21:10
\$20 [8] - 139:15, 149:21, 149:24, 150:1, 150:13, 151:13, 152:15, 153:14	10:12 [6] - 51:15, 51:18, 52:5, 81:20, 91:15, 97:22	11:40 [3] - 60:16, 63:22, 68:20	15th [4] - 167:4, 168:2, 173:25, 177:23	2015 [61] - 10:24, 20:6, 20:7, 39:16, 39:24, 40:18, 41:18, 42:3, 42:4, 42:7, 42:14, 42:16, 42:21, 42:25, 48:8, 51:13, 58:12, 60:5, 60:7, 60:10, 64:23, 67:21, 68:15, 68:24, 75:10, 77:21, 83:14, 94:25, 95:2, 97:22, 103:15, 105:18, 107:5, 117:8, 117:12, 117:14, 117:17, 118:9, 118:12, 137:18, 138:9, 138:12, 142:17, 143:10, 143:19, 149:16, 153:19, 159:12, 164:14, 165:20, 166:6, 166:11, 166:16, 191:24, 192:8, 192:9, 194:10, 197:18, 197:19
\$375 [1] - 125:24	10:16 [3] - 57:15, 57:16, 95:23	11:40:35 [1] - 60:10	16 [3] - 51:13, 89:22, 110:17	2016 [3] - 21:1, 21:11, 21:12
\$50 [4] - 125:17, 153:22, 178:22	10:22 [2] - 43:19	11:41 [12] - 59:6, 59:18, 60:11, 60:13, 61:12, 61:15, 63:14, 63:25, 68:20, 93:11, 93:13, 95:24	16.1 [4] - 137:6, 137:7, 137:11, 138:14	2019 [3] - 20:7, 20:11, 22:25
\$500,000 [1] - 31:16	10:30 [2] - 7:7, 154:2	11:41:30 [1] - 59:13	16.10 [2] - 106:17	2020 [14] - 20:12, 83:8, 151:12, 166:2, 166:18, 167:1, 167:4, 168:2, 169:10, 169:12, 173:7, 175:12, 188:18, 189:1
'	10:33 [8] - 52:8, 52:23, 52:24, 52:25, 53:16, 54:2, 91:11, 92:3	11:42 [1] - 64:7	16.6T [1] - 106:24	2021 [6] - 23:1, 176:24, 177:23, 180:14, 181:19, 183:7
'21 [2] - 181:4, 183:11	10:34 [1] - 43:19	11:53 [1] - 62:24	161 [5] - 32:17, 32:18, 33:3, 33:13, 47:7	2022 [1] - 1:9
/	10:39 [4] - 43:17, 43:20, 44:13, 44:15	11:57 [1] - 95:17	17 [6] - 52:3, 91:5, 96:23, 97:2, 97:7, 202:3	21 [4] - 54:24, 92:21, 92:23
/S [1] - 202:23	10:43 [10] - 52:9, 52:15, 53:1, 53:19, 53:21, 53:22, 54:3, 91:17, 92:4, 97:22	11th [2] - 94:21, 94:25	17.13 [1] - 106:21	21201 [1] - 1:25
0	10:55 [3] - 53:1, 53:17, 54:3	12 [6] - 19:14, 19:22, 41:24, 42:5, 42:12, 56:3	17.15 [2] - 14:11, 14:12	22 [6] - 57:6, 57:18, 59:4, 63:24, 93:9, 95:22
08:17 [1] - 82:6	10:57 [7] - 52:24, 53:2, 53:8, 53:18, 54:3, 54:5, 54:11	12.10 [1] - 102:18	17.3 [1] - 106:16	22nd [2] - 169:12, 173:7
1	10th [3] - 181:4, 181:19, 189:1	12.8 [1] - 102:7	17.37 [1] - 90:24	23 [1] - 64:7
1 [18] - 40:25, 41:1, 41:2, 41:5, 41:12, 42:17, 43:3, 45:2, 45:19, 51:9, 54:9, 57:12, 57:16, 69:5, 87:8, 93:16, 96:1, 197:18	11 [7] - 40:14, 41:16, 71:3, 94:19, 95:2, 172:11	120 [1] - 139:17	17.6 [5] - 128:21, 129:3, 129:6, 129:7, 134:4	24 [2] - 45:16, 93:23
10 [9] - 39:13, 39:14, 40:10, 41:16, 79:14, 114:6, 155:15, 156:16	11.1 [11] - 25:5, 25:6, 37:17, 37:19, 49:20, 51:4, 79:9, 85:20, 89:22, 92:22, 94:14	120-degree [2] - 85:23, 85:24	17.7A [2] - 43:25, 55:15	240 [4] - 32:12, 34:2, 35:20, 39:14
10.1 [1] - 36:11	11.2 [13] - 46:11, 46:14, 46:15, 47:21, 49:9, 56:11, 57:22, 59:17, 65:3, 67:2, 81:8, 95:13, 123:16	125 [1] - 163:18	170 [2] - 61:13, 63:13	2413 [1] - 48:2
10.2 [3] - 37:10, 72:20	11.3A [1] - 75:13	126 [2] - 79:23, 79:24	18 [3] - 52:22, 52:23	24th [1] - 166:2
10.3 [1] - 72:20	11.6 [1] - 76:15	127 [1] - 80:17	18th [1] - 180:14	25 [3] - 66:4, 66:5, 81:12
10.8 [3] - 36:18, 36:19, 56:2	110 [1] - 43:6	129 [1] - 24:12	19 [5] - 53:6, 53:7, 54:6, 202:5	2564 [1] - 38:6
100 [7] - 33:8, 38:3, 40:19, 57:23, 61:10, 113:2	111 [3] - 61:16, 61:17, 63:19	12:23 [2] - 70:22, 71:4	1:00 [3] - 62:20, 63:1, 63:2	
101 [2] - 1:24, 202:7	1141 [1] - 65:12	12:25 [3] - 55:4, 55:8, 93:4	1:05 [1] - 64:18	
101121 [1] - 64:19	1150 [1] - 154:3	12:30 [1] - 72:13	1:06 [1] - 64:18	
10121 [1] - 54:15	11:03 [1] - 68:15	12:41 [4] - 44:15, 44:16, 44:19, 44:20	1:23 [3] - 42:7, 42:14, 43:6	
10142 [2] - 51:17, 52:6	11:04 [1] - 54:14	12:45 [3] - 56:4, 56:18, 82:2	1:50 [3] - 66:6, 66:12, 67:2	
103 [3] - 34:11, 37:25, 40:19	11:05 [2] - 54:13, 54:14	12:47 [1] - 99:12	1C [1] - 67:2	
106 [1] - 66:8	11:15 [3] - 54:11, 54:24, 55:6	12:57 [1] - 64:7	1st [12] - 39:16, 40:18, 83:9, 98:9, 98:10, 175:11, 183:7, 191:24, 192:8, 192:9	
109 [3] - 57:23, 59:20, 61:17	11:17 [3] - 57:16, 93:12, 96:6	12:58 [2] - 66:7, 94:1		
10:00 [1] - 40:11	11:26 [3] - 70:10, 70:14, 79:15	12:58:08 [1] - 64:13		
10:04 [1] - 2:2	11:30 [8] - 13:13, 62:15, 66:15, 67:23, 70:21, 71:3, 71:5, 71:11	13 [5] - 42:14, 42:18, 44:11, 139:3, 202:4		
10:07 [1] - 3:11	11:31 [1] - 69:4	130 [1] - 139:18		
10:08 [1] - 70:10		1345 [1] - 129:23		
10:11 [9] - 51:17, 52:5, 53:16, 54:2, 81:19,		135 [1] - 81:16		
		136 [1] - 202:8		
		139 [5] - 59:18, 65:4, 65:8, 65:12, 95:13		
		14 [3] - 44:11, 44:13, 46:12		
		140 [2] - 65:18, 95:13		
		141 [2] - 65:4, 65:15		
		142 [1] - 56:3		
		144 [1] - 56:3		
		145 [1] - 67:2		
		15 [12] - 22:21, 49:24, 50:19, 53:4, 54:12, 88:19, 112:13, 114:6, 151:12, 155:15, 156:17, 169:10		
			2	
			2 [18] - 33:2, 33:17, 41:1, 41:2, 41:7, 43:3, 43:19, 46:13, 54:15, 54:16, 56:12, 57:15, 81:7, 93:17, 95:23, 96:2, 99:9, 99:10	
			2,872 [1] - 32:14	
			20 [8] - 42:1, 54:5, 54:8, 54:9, 153:10, 153:12, 184:21, 184:23	
			2001 [3] - 15:15, 15:18, 15:19	
			2011 [1] - 10:21	

<p>25th [8] - 42:2, 42:7, 42:14, 42:16, 42:21, 43:6, 44:1, 44:12</p> <p>26 [9] - 40:18, 48:8, 51:13, 60:5, 60:17, 67:24, 97:22, 105:18, 107:5</p> <p>26th [12] - 39:16, 42:25, 43:17, 44:6, 44:9, 44:12, 44:23, 53:5, 55:16, 75:10, 81:5, 153:19</p> <p>27 [7] - 58:12, 64:22, 67:21, 68:9, 68:15, 117:17, 118:12</p> <p>276 [4] - 34:25, 38:4, 44:18, 44:25</p> <p>27th [28] - 55:17, 55:20, 56:5, 57:7, 59:1, 59:5, 59:10, 59:11, 60:10, 64:8, 67:25, 68:16, 68:19, 68:24, 69:12, 69:18, 70:21, 72:1, 77:21, 78:16, 82:10, 93:7, 94:19, 117:12, 117:14, 118:9, 174:21</p> <p>28th [14] - 42:2, 60:7, 60:20, 68:1, 68:7, 70:22, 71:17, 71:18, 71:23, 71:24, 72:2, 72:14, 75:10, 180:22</p> <p>29 [1] - 69:11</p> <p>29th [2] - 164:14, 165:20</p> <p>2:05 [3] - 40:12, 71:17</p> <p>2:18 [1] - 99:25</p> <p>2:29 [2] - 123:18, 123:23</p> <p>2:36 [1] - 44:21</p> <p>2:45 [4] - 71:17, 71:23, 72:4, 72:9</p> <p>2:53 [2] - 44:21, 44:22</p>	<p>31 [2] - 69:23, 81:19</p> <p>3105 [1] - 66:8</p> <p>32 [2] - 70:8, 79:10</p> <p>33 [2] - 70:19, 71:3</p> <p>33071 [2] - 57:13, 64:1</p> <p>33079 [1] - 55:5</p> <p>33407 [1] - 52:9</p> <p>34 [1] - 71:1</p> <p>35 [1] - 71:16</p> <p>35013 [1] - 68:3</p> <p>36 [1] - 71:22</p> <p>360 [2] - 27:16, 85:21</p> <p>37 [9] - 33:1, 33:3, 33:7, 33:13, 72:8, 91:5, 92:21, 93:2</p> <p>379 [1] - 58:1</p> <p>38 [2] - 12:4, 159:15</p> <p>3:00 [2] - 154:9, 198:10</p> <p>3:05 [1] - 129:12</p> <p>3:06 [1] - 129:17</p> <p>3:10 [1] - 133:18</p> <p>3:13 [1] - 95:2</p> <p>3:15 [2] - 72:10, 95:2</p> <p>3:30 [4] - 186:13, 186:18, 198:11, 198:14</p> <p>3:34 [2] - 56:14, 58:4</p> <p>3:39 [3] - 45:6, 46:10, 48:11</p> <p>3:39:59 [1] - 45:11</p> <p>3:40 [1] - 48:11</p> <p>3:40:23 [1] - 45:16</p> <p>3:43 [2] - 45:6, 48:19</p> <p>3:45 [6] - 68:1, 68:6, 72:11, 72:14, 123:18, 123:23</p> <p>3:59:59 [1] - 88:24</p>	<p>4:26 [1] - 186:23</p> <p>4:29 [2] - 45:7, 48:19</p> <p>4:30 [3] - 48:19, 48:20, 69:11</p> <p>4:40 [1] - 45:7</p> <p>4:43 [1] - 69:14</p> <p>4:44 [1] - 198:20</p> <p>4:47 [1] - 201:11</p> <p>4:58 [1] - 56:14</p> <p>4th [2] - 1:24, 186:20</p>	<p>5</p> <p>5 [11] - 28:24, 28:25, 29:1, 48:24, 63:3, 85:20, 100:4, 134:8, 186:3, 186:25, 198:7</p> <p>5/26/2015 [1] - 35:2</p> <p>50 [6] - 49:21, 75:25, 76:1, 76:2, 78:2, 80:19</p> <p>502 [2] - 38:11, 42:10</p> <p>5607 [2] - 50:4, 83:3</p> <p>580-40 [1] - 35:20</p> <p>580-4057 [3] - 32:12, 34:2, 39:14</p> <p>5:00 [3] - 186:9, 187:1, 198:16</p> <p>5:09 [2] - 56:18, 57:4</p> <p>5:15 [1] - 93:7</p> <p>5:16 [3] - 123:18, 123:24, 124:2</p> <p>5:53 [1] - 48:24</p> <p>5th [2] - 94:21, 94:24</p>	<p>6</p> <p>6 [2] - 30:10, 30:12</p> <p>6.4 [2] - 50:15, 51:7</p> <p>6.5 [3] - 105:12, 105:13, 105:15</p> <p>6.5T [3] - 105:11, 105:24, 106:2</p> <p>6.6 [1] - 107:1</p> <p>6.7 [6] - 117:20, 117:22, 118:10, 118:11, 118:12</p> <p>6.7T [1] - 117:21</p> <p>6.8 [3] - 118:6, 118:10, 118:15</p> <p>6.8T [1] - 118:6</p> <p>621-2413 [5] - 34:21, 35:21, 36:8, 40:16, 82:20</p> <p>65021 [1] - 52:7</p> <p>65101 [2] - 42:18, 64:14</p> <p>65383 [1] - 43:20</p> <p>66 [3] - 159:16, 159:17, 160:1</p>	<p>6:25 [3] - 69:12, 69:16, 69:17</p> <p>6:28 [1] - 71:23</p> <p>6:30 [1] - 72:6</p> <p>6:40 [1] - 48:24</p> <p>6:41 [1] - 51:5</p> <p>6:41:52 [2] - 49:21, 50:10</p> <p>6:43 [2] - 42:17, 43:11</p> <p>6:44 [2] - 58:14, 58:15</p> <p>6:46:38 [1] - 88:24</p>	<p>7</p> <p>7 [5] - 1:5, 1:9, 37:19, 38:22, 39:8</p> <p>70 [4] - 172:2, 172:3, 172:4, 172:7</p> <p>717 [1] - 129:23</p> <p>74 [3] - 196:25, 197:2, 197:18</p> <p>74B [3] - 191:16, 191:22, 192:2</p> <p>75 [2] - 197:3, 197:19</p> <p>77 [1] - 202:6</p> <p>78 [4] - 12:13, 12:16, 12:17, 111:21</p> <p>7:23 [6] - 57:6, 57:12, 58:5, 58:8, 93:12, 96:6</p> <p>7:30 [1] - 40:9</p> <p>7:38 [2] - 40:11, 40:12</p> <p>7:38:38 [1] - 39:25</p> <p>7:49 [1] - 58:15</p> <p>7th [3] - 39:24, 94:21, 94:24</p>	<p>8</p> <p>8 [4] - 38:12, 38:22, 38:24, 82:6</p> <p>8.1 [2] - 34:4, 34:5</p> <p>8.3 [4] - 31:21, 31:23, 61:13, 63:13</p> <p>8.7 [2] - 47:13, 60:2</p> <p>8.8 [2] - 47:3, 60:2</p> <p>80 [2] - 20:20, 21:2</p> <p>801(d)(1)(B) [1] - 3:2</p> <p>801(d)(1)(B) [1] - 3:1</p> <p>82 [1] - 56:12</p> <p>83 [1] - 81:20</p> <p>8308 [4] - 47:10, 50:1, 60:3, 60:9</p> <p>864-4490 [4] - 36:13, 36:16, 36:21, 68:12</p> <p>87 [1] - 56:12</p> <p>8:00 [1] - 40:9</p> <p>8:11 [1] - 60:19</p> <p>8:23 [1] - 69:17</p> <p>8:27 [1] - 60:20</p>	<p>9</p> <p>9 [3] - 39:1, 134:8, 197:19</p> <p>9.2 [3] - 35:16, 35:18, 43:5</p> <p>9.4 [4] - 34:18, 34:19, 35:4, 75:1</p> <p>908-8308 [2] - 47:1, 47:4</p> <p>911 [3] - 32:7, 32:8</p> <p>94 [1] - 202:5</p> <p>95 [2] - 80:21</p> <p>98 [1] - 202:6</p> <p>9:00 [1] - 118:12</p> <p>9:07 [1] - 42:25</p> <p>9:19 [2] - 105:18, 107:6</p> <p>9:30 [14] - 46:10, 48:14, 51:12, 51:15, 53:4, 53:8, 81:11, 197:25, 198:5, 198:6, 198:13, 198:15, 198:24, 199:9</p> <p>9:37 [2] - 81:15</p> <p>9:38 [1] - 69:24</p> <p>9:43 [2] - 118:10, 118:12</p> <p>9:44 [1] - 69:24</p> <p>9:58 [1] - 118:16</p> <p>9th [2] - 176:9, 194:10</p>	<p>A</p> <p>a.m [48] - 2:2, 3:11, 42:25, 43:17, 44:15, 55:4, 55:8, 56:4, 56:14, 56:18, 57:6, 58:4, 58:8, 58:14, 58:15, 59:14, 59:18, 60:10, 60:16, 60:20, 61:12, 62:15, 62:24, 64:7, 68:1, 68:6, 68:15, 68:21, 68:22, 70:22, 71:17, 71:23, 72:4, 72:11, 72:13, 72:14, 93:7, 93:11, 95:2, 95:17, 118:10,</p>
---	---	--	---	---	---	--	--	---	---

<p>118:12, 118:16 abet [1] - 127:17 abetting [2] - 101:19, 127:15 able [11] - 11:16, 12:7, 16:18, 27:9, 27:10, 31:20, 76:12, 77:8, 85:18, 134:22, 144:1 above-entitled [1] - 202:21 absent [1] - 130:8 absolutely [1] - 78:15 accept [1] - 23:23 acceptable [1] - 87:19 accepted [2] - 23:13, 25:7 accomplish [1] - 27:17 accordingly [1] - 99:18 account [13] - 34:7, 34:10, 35:1, 35:6, 73:9, 74:11, 75:3, 75:19, 138:1, 148:7, 191:1 accounting [1] - 19:17 accounts [2] - 163:5, 163:7 accurate [4] - 16:4, 29:17, 80:12, 193:1 accusing [2] - 162:4, 162:6 acting [2] - 116:15, 160:11 activated [1] - 35:1 activation [1] - 35:6 activations [1] - 96:7 activities [1] - 77:5 activity [25] - 7:16, 29:20, 39:14, 40:16, 40:18, 41:17, 42:6, 44:15, 48:16, 52:23, 54:10, 56:12, 57:10, 64:8, 64:10, 64:21, 65:24, 67:2, 71:3, 71:5, 71:17, 72:9, 72:11, 77:19, 140:20 actual [3] - 37:25, 55:12, 197:3 Adamsville [1] - 70:4 added [2] - 29:1, 71:4 addiction [4] - 10:15, 10:18, 10:23, 11:4 addictions [1] - 11:2 addition [3] - 58:10, 72:23, 94:19 additional [1] - 64:17 address [9] - 34:11, 34:24, 37:25, 73:7, 73:9, 76:18, 113:1,</p>	<p>132:6 adjourned [3] - 201:9, 201:10, 201:11 administration [1] - 19:16 admissible [1] - 3:2 admit [1] - 127:23 adult [1] - 184:3 advanced [2] - 21:12, 22:21 African [1] - 5:12 African-American [1] - 5:12 afternoon [10] - 48:7, 48:16, 64:22, 77:2, 77:3, 99:15, 100:1, 100:7, 100:23, 136:12 afterwards [1] - 102:3 age [1] - 184:3 Agent [21] - 1:16, 1:17, 23:15, 24:4, 24:23, 25:10, 26:18, 35:18, 63:4, 63:8, 72:23, 77:4, 98:19, 165:24, 166:19, 167:2, 167:23, 169:16, 170:17, 177:2, 181:21 agent [7] - 14:6, 19:11, 19:12, 23:7, 23:24, 77:2, 89:16 agents [5] - 20:20, 126:10, 136:16, 170:17, 178:24 ago [2] - 193:11, 193:16 agree [3] - 129:9, 131:6, 166:4 agreed [2] - 127:25, 128:1 agreement [23] - 128:3, 128:12, 128:16, 128:18, 129:25, 130:3, 130:5, 130:24, 131:1, 131:14, 132:4, 132:10, 132:18, 132:22, 134:5, 134:12, 134:15, 135:5, 135:6, 135:14, 135:16, 136:4, 187:7 ahead [6] - 22:18, 23:11, 50:18, 56:1, 134:2, 190:9 aide [1] - 127:17 aided [1] - 1:21 aiding [2] - 101:19, 127:15</p>	<p>Aiken [1] - 24:19 Airport [1] - 69:9 airport [2] - 26:13, 69:7 alert [1] - 132:14 allow [1] - 135:16 allowed [4] - 23:21, 135:8, 164:18, 164:22 almost [1] - 12:23 alone [1] - 89:8 altogether [1] - 116:3 AMERICA [1] - 1:3 America [1] - 26:22 American [1] - 5:12 amount [4] - 7:17, 7:18, 9:17, 85:13 amounts [1] - 158:21 analyses [1] - 24:25 Analysis [3] - 20:19, 23:16, 25:7 analysis [4] - 20:21, 22:19, 23:25, 25:3 analyze [2] - 26:1, 37:12 analyzed [4] - 23:6, 24:5, 24:9, 36:9 and.. [1] - 9:18 Andre [96] - 34:23, 35:23, 40:17, 42:6, 46:15, 48:18, 48:21, 48:22, 48:25, 49:3, 49:4, 49:6, 49:12, 51:5, 56:6, 56:16, 56:21, 57:25, 58:3, 58:13, 58:17, 58:18, 58:22, 59:14, 61:16, 63:18, 65:14, 65:16, 65:19, 67:17, 69:22, 70:24, 71:4, 72:11, 74:9, 74:23, 81:10, 81:12, 82:18, 88:20, 92:24, 93:9, 94:2, 94:21, 102:1, 103:5, 103:10, 104:5, 107:18, 107:19, 108:16, 108:17, 109:23, 109:25, 113:25, 118:25, 122:24, 123:5, 124:9, 124:18, 125:8, 125:9, 125:17, 125:20, 127:2, 127:18, 142:8, 142:17, 146:16, 147:16, 148:9, 148:18, 150:12, 150:21, 154:15, 155:7, 155:10, 155:17,</p>	<p>161:17, 165:2, 165:5, 165:8, 165:13, 166:7, 166:20, 168:2, 170:4, 173:21, 174:24, 176:17, 176:18, 178:20, 182:13 ANDRE [1] - 1:5 Andre's [1] - 90:22 Andrew [1] - 1:18 Android [5] - 73:3, 73:4, 73:6, 73:22 anger [4] - 145:2, 145:7, 150:24 angry [5] - 145:10, 148:24, 149:14, 153:10, 153:12 Anne [2] - 24:16, 78:7 annoyance [1] - 145:1 answer [3] - 120:22, 155:2, 200:13 answered [1] - 61:2 answering [1] - 154:24 antenna [2] - 26:5 antennas [4] - 21:19, 26:24, 27:12, 27:14 anyway [2] - 2:21, 135:12 apart [3] - 22:10, 23:5, 97:22 apartment [25] - 9:1, 13:11, 38:3, 38:11, 46:7, 53:3, 53:10, 53:18, 54:25, 64:15, 68:5, 90:20, 93:23, 111:14, 112:9, 112:10, 113:7, 113:8, 113:9, 113:15, 121:7, 121:8, 122:21, 143:13, 147:23 apartments [1] - 66:9 Apartments [1] - 7:2 apologize [10] - 12:14, 80:11, 94:3, 97:15, 115:22, 158:9, 158:25, 160:14, 197:13, 200:5 appear [5] - 12:19, 39:24, 137:8, 137:14, 191:23 appeared [4] - 14:22, 14:23, 137:18, 138:9 Apple [2] - 73:5, 83:21 applies [1] - 192:24 apply [1] - 197:9 appointed [3] - 167:12, 175:22,</p>	<p>181:5 appreciate [1] - 54:4 approach [3] - 128:22, 133:24, 191:18 appropriate [4] - 62:8, 172:25, 199:3, 200:10 April [2] - 98:10 area [71] - 7:15, 7:16, 20:14, 21:4, 23:21, 29:7, 29:9, 29:16, 30:13, 30:14, 30:22, 30:23, 30:25, 36:4, 42:9, 43:13, 44:6, 44:25, 45:8, 45:22, 45:23, 47:7, 48:8, 51:11, 51:22, 52:10, 52:15, 53:3, 53:9, 53:18, 54:25, 55:7, 55:8, 55:20, 64:4, 64:5, 66:8, 66:13, 66:14, 67:3, 67:24, 68:5, 70:23, 76:6, 78:7, 78:10, 78:19, 78:20, 80:18, 86:14, 87:18, 88:4, 88:5, 88:6, 88:11, 88:24, 88:25, 89:1, 89:5, 89:7, 89:20, 89:25, 92:18, 92:19, 96:2, 113:6, 141:21 areas [2] - 18:20, 100:25 arguing [1] - 151:19 argument [5] - 191:3, 192:15, 193:9, 193:10, 199:21 arms [1] - 152:8 arrest [1] - 181:19 arrested [2] - 180:14, 181:2 arrive [1] - 78:6 arrived [1] - 15:10 arrives [1] - 79:15 arrow [1] - 71:20 Arundel [2] - 24:16, 78:7 ass [1] - 151:20 Assessment [1] - 22:23 assigned [3] - 19:24, 20:6, 20:13 assist [1] - 25:2 assistance [1] - 199:6 associated [15] - 32:11, 34:10, 36:20, 38:1, 39:15, 40:17, 46:24, 48:2, 49:17, 73:8, 74:9, 75:2, 75:18, 76:13, 95:19</p>
--	--	--	--	---

assume [1] - 85:8
asthma [1] - 116:15
AT [1] - 38:15
AT&T [9] - 21:21,
 31:14, 36:14, 38:15,
 38:16, 38:18, 38:25,
 39:11, 68:12
AT&T's [1] - 26:10
ATF [5] - 1:16, 126:12,
 126:13, 126:24,
 167:1
attached [2] - 131:12,
 131:18
attempt [1] - 82:6
attempted [1] - 81:25
attention [6] - 7:9,
 7:20, 26:22, 75:15,
 172:11, 191:23
attorney [2] - 127:21,
 183:14
attorneys [3] - 136:17,
 167:21, 187:14
audio [5] - 2:14,
 192:17, 192:23,
 197:3, 197:9
aunt [2] - 103:4,
 138:25
AUSA [2] - 1:11, 1:12
Ave [1] - 38:8
Avenue [10] - 7:1,
 13:6, 38:9, 38:11,
 42:10, 51:23, 52:11,
 52:16, 90:17
avoid [1] - 184:9
aware [3] - 50:10,
 130:13, 133:11
Azimuth [2] - 33:18,
 37:4
azimuth [1] - 88:3
Azimuth's [1] - 85:23

B

Bachelor's [1] - 19:16
bachelorette [1] -
 144:8
background [1] -
 19:15
backseat [8] - 5:22,
 11:16, 11:25, 12:8,
 12:20, 13:9, 14:24,
 15:3
bad [1] - 69:8
bag [25] - 8:3, 8:6, 8:7,
 8:9, 8:14, 8:16, 9:1,
 120:8, 120:11,
 120:15, 121:20,
 121:22, 121:25,
 122:1, 122:3, 122:8,
 122:13, 124:14,

124:18, 124:21,
 170:22, 171:2,
 171:4, 176:18
bags [6] - 122:16,
 140:6, 173:21,
 175:3, 182:13
bald [1] - 12:23
BALTIMORE [1] - 1:9
Baltimore [54] - 1:25,
 5:3, 6:25, 7:1, 19:24,
 20:7, 20:8, 20:12,
 24:14, 24:16, 24:17,
 27:4, 31:15, 32:17,
 32:22, 34:11, 34:25,
 38:5, 38:6, 41:21,
 43:13, 44:3, 44:17,
 45:8, 47:6, 47:8,
 51:16, 51:17, 69:9,
 70:11, 70:13, 70:14,
 79:12, 80:13, 80:21,
 80:24, 81:4, 89:16,
 89:24, 90:2, 90:7,
 103:25, 123:12,
 125:3, 125:17,
 126:10, 146:16,
 152:24, 153:23,
 163:21, 176:25,
 180:23, 190:22
Baltimore's [1] - 32:18
Baltimore-
Washington [1] -
 69:9
banged [5] - 113:25,
 155:6, 157:18,
 157:22, 158:1
banging [10] - 115:22,
 157:2, 157:4, 157:8,
 157:9, 157:15,
 158:4, 159:6,
 160:11, 164:25
bar [6] - 119:14,
 119:15, 119:16,
 160:17, 166:20,
 168:4

based [5] - 11:8,
 29:19, 75:5, 78:18,
 81:22
basement [1] - 147:22
basic [3] - 21:7, 21:9,
 22:20
Bay [2] - 70:17, 78:4
beard [2] - 12:21
bearings [1] - 43:24
beat [2] - 151:20,
 152:13
became [2] - 22:9,
 149:12
become [1] - 22:13
bed [1] - 156:7
BEFORE [1] - 1:8

began [4] - 140:3,
 146:19, 148:3, 151:1
begin [1] - 39:24
beginning [1] - 180:11
begins [1] - 25:15
behalf [1] - 128:18
behind [4] - 16:7,
 16:10, 180:25,
 181:25
belief [1] - 144:12
Bellamy [1] - 76:17
below [2] - 30:20,
 43:11
bench [1] - 133:3
benefit [1] - 197:10
BENNETT [1] - 1:8
Bennett [6] - 2:5,
 62:18, 76:24, 99:14,
 100:24, 187:16
Berkeley [1] - 24:18
best [13] - 12:10,
 13:10, 26:14, 26:15,
 99:9, 102:16,
 103:24, 136:21,
 145:5, 162:4, 182:6,
 200:14
better [5] - 28:22,
 31:25, 82:16,
 151:22, 168:10
between [81] - 20:3,
 21:10, 21:18, 27:7,
 28:25, 30:14, 31:16,
 35:11, 39:16, 40:11,
 40:12, 40:17, 40:22,
 41:2, 41:4, 41:7,
 41:12, 41:13, 42:1,
 44:15, 44:21, 45:6,
 45:20, 46:15, 48:1,
 48:12, 48:18, 48:19,
 48:20, 49:5, 49:6,
 50:23, 51:1, 51:15,
 52:16, 53:8, 54:14,
 54:15, 55:6, 55:13,
 56:6, 56:15, 56:16,
 56:18, 57:11, 57:16,
 57:24, 57:25, 58:15,
 58:17, 59:14, 59:18,
 61:1, 61:15, 64:18,
 66:16, 68:15, 69:1,
 69:4, 69:5, 69:14,
 70:10, 70:21, 71:3,
 71:17, 72:9, 72:15,
 73:21, 74:1, 74:15,
 82:9, 93:12, 96:6,
 108:23, 123:17,
 153:5, 168:12,
 178:8, 181:16
beyond [2] - 10:25,
 11:1
BGF [1] - 190:18

big [3] - 11:13, 73:16,
 190:22
bigger [1] - 40:21
bill [1] - 151:13
billing [1] - 47:18
binders [2] - 105:10,
 106:24
birthday [1] - 138:23
bit [19] - 6:18, 11:5,
 19:14, 31:25, 57:20,
 59:21, 96:7, 139:22,
 149:17, 165:15,
 169:20, 177:14,
 179:19, 186:25,
 194:2, 197:12,
 199:2, 200:17
bitch [8] - 108:19,
 108:20, 108:24,
 109:5, 109:7,
 121:15, 149:4, 188:1
black [3] - 39:3, 122:3,
 194:14
blood [4] - 107:16,
 107:19, 107:20,
 161:4
blown [1] - 35:3
blue [12] - 28:2, 33:22,
 38:4, 38:5, 38:24,
 50:1, 66:23, 71:9,
 103:7, 120:8,
 121:20, 121:22
board [1] - 130:14
bodies [1] - 194:5
body [2] - 152:9, 191:6
bolded [1] - 69:21
bone [1] - 144:22
border [1] - 20:3
borrow [1] - 122:14
bottle [3] - 139:17,
 160:19, 166:21
bottom [21] - 30:20,
 35:4, 35:5, 38:9,
 40:21, 45:2, 45:17,
 57:13, 57:14, 58:20,
 64:1, 64:16, 66:21,
 67:8, 93:14, 93:18,
 96:3, 113:6, 184:21,
 186:13, 192:11
bounce [2] - 57:19,
 96:19
bounced [1] - 54:17
bounces [4] - 41:14,
 45:24, 54:14, 66:16
bouncing [6] - 41:4,
 41:12, 45:6, 48:12,
 96:6, 96:12
box [9] - 74:15, 74:18,
 74:21, 75:12, 75:16,
 75:20, 99:17, 99:21
boxes [1] - 40:20

Boy [1] - 108:3
boy [1] - 108:4
boyfriend [6] - 117:10,
 144:20, 145:3,
 145:12, 145:15,
 156:14
BPD [1] - 126:24
break [16] - 17:9, 62:9,
 62:11, 63:9, 65:1,
 99:6, 100:5, 100:6,
 100:9, 164:19,
 170:7, 185:18,
 185:19, 185:25
breakfast [1] - 117:5
breaking [1] - 27:17
Brianna [4] - 114:21,
 114:22, 116:8, 157:9
Bridge [2] - 70:17,
 78:4
bridge [1] - 151:25
brief [1] - 88:13
briefly [4] - 25:12,
 129:11, 129:14
bright [1] - 3:14
bring [8] - 2:8, 3:3,
 62:19, 99:17, 99:23,
 128:23, 133:5, 133:6
bringing [1] - 139:22
Briscoe [112] - 34:23,
 35:23, 36:16, 40:17,
 41:20, 42:6, 46:16,
 48:18, 48:21, 48:22,
 48:25, 49:1, 49:2,
 49:3, 49:4, 49:7,
 49:12, 50:2, 52:2,
 52:20, 55:25, 56:2,
 56:7, 56:16, 57:25,
 58:3, 58:17, 58:19,
 58:22, 58:23, 59:14,
 61:16, 63:18, 64:20,
 64:22, 65:14, 65:16,
 65:17, 65:20, 66:24,
 67:4, 67:17, 67:18,
 67:20, 67:22, 70:24,
 71:3, 71:4, 72:9,
 72:11, 74:9, 77:14,
 77:18, 77:20, 78:9,
 78:13, 78:19, 79:6,
 79:10, 80:9, 81:10,
 81:11, 81:12, 81:13,
 81:19, 82:10, 82:18,
 82:23, 88:20, 92:24,
 93:10, 94:2, 94:3,
 102:1, 103:5,
 103:10, 107:18,
 107:19, 127:18,
 142:8, 142:18,
 148:9, 148:18,
 150:21, 153:19,
 154:15, 158:5,

<p>160:16, 161:3, 161:17, 162:22, 165:2, 166:20, 168:3, 173:21, 176:17, 178:9, 181:16, 182:13, 188:18, 189:9, 189:13, 189:24, 200:7</p> <p>briscoe [1] - 189:18 BRISCOE [1] - 1:5 Briscoe's [31] - 42:15, 42:24, 44:1, 46:17, 51:5, 56:22, 68:11, 68:23, 69:3, 69:13, 69:18, 69:22, 70:1, 70:8, 70:12, 70:20, 71:8, 72:2, 72:15, 74:11, 74:23, 75:3, 77:19, 80:5, 81:3, 91:10, 93:24, 94:20, 94:21, 123:17, 166:7</p> <p>broader [1] - 72:20 broke [2] - 148:25, 149:3 broken [1] - 85:21 brother [5] - 104:23, 105:4, 106:11, 109:4, 190:14 brother's [1] - 106:9 brought [3] - 62:21, 99:16, 146:7 Brown [3] - 143:20, 202:12, 202:13 brown [2] - 6:16, 6:17 BRUSCA [37] - 2:10, 2:12, 2:19, 2:22, 18:6, 19:8, 19:10, 23:11, 23:14, 24:2, 24:3, 25:8, 25:9, 42:12, 42:13, 50:18, 50:21, 50:25, 59:9, 59:11, 59:16, 63:6, 63:7, 65:5, 65:7, 65:9, 65:11, 76:21, 94:10, 94:13, 96:17, 96:18, 97:6, 97:25, 99:19, 199:24, 201:5 Brusca [11] - 1:11, 2:9, 18:5, 19:7, 23:12, 24:1, 63:5, 76:22, 94:9, 97:5, 202:5 bucks [2] - 153:11, 153:12 BUDLOW [55] - 13:18, 13:20, 14:10, 14:14, 16:21, 99:3, 100:11, 101:13, 101:15, 103:11, 105:9,</p>	<p>105:15, 105:18, 105:20, 105:23, 106:4, 106:23, 107:3, 107:6, 107:8, 107:11, 117:19, 118:1, 118:8, 118:14, 118:17, 118:19, 126:2, 126:3, 128:20, 128:25, 129:3, 129:6, 130:11, 130:19, 131:14, 131:23, 132:25, 133:7, 133:10, 133:24, 134:3, 136:6, 159:22, 159:25, 166:9, 168:11, 172:3, 174:5, 189:10, 189:14, 189:19, 190:1, 192:16, 201:2 Budlow [14] - 1:12, 13:17, 16:23, 100:10, 101:12, 128:24, 132:23, 133:23, 136:7, 174:6, 200:24, 201:1, 202:4, 202:7 building [6] - 54:22, 54:23, 86:11, 86:15, 113:4 buildings [1] - 143:14 bulk [1] - 13:5 bunch [1] - 11:22 Burnie [4] - 69:6, 69:15, 78:6, 78:20 business [3] - 19:16, 29:22, 29:23 but.. [3] - 2:19, 6:2, 14:9 butter [1] - 179:11 button [1] - 25:20 BY [53] - 4:5, 10:8, 12:18, 13:20, 14:14, 17:4, 19:10, 24:3, 25:9, 42:13, 50:21, 50:25, 59:16, 63:7, 65:7, 65:11, 77:1, 79:25, 80:3, 88:18, 91:9, 94:13, 96:18, 97:6, 98:6, 101:15, 103:11, 105:23, 106:4, 107:11, 118:1, 118:19, 126:3, 134:3, 136:11, 137:13, 159:10, 159:19, 160:8, 166:13, 168:22, 172:9, 173:2, 173:11,</p>	<p>174:17, 187:6, 189:12, 189:17, 189:23, 191:20, 192:4, 193:7, 193:14</p> <p style="text-align: center;">C</p> <p>Cadle [2] - 1:19, 199:5 caliber [1] - 110:23 Cambridge [48] - 38:10, 38:11, 39:6, 39:17, 39:18, 39:19, 39:22, 41:17, 42:9, 42:10, 43:7, 44:3, 68:4, 68:25, 69:5, 69:15, 69:19, 69:24, 71:19, 71:24, 72:3, 72:10, 72:12, 77:25, 80:12, 80:19, 80:25, 125:6, 125:7, 125:9, 125:10, 125:18, 141:21, 142:4, 142:18, 143:24, 146:7, 146:10, 146:16, 147:1, 147:16, 161:15, 178:17, 178:23, 179:1, 179:14, 182:4 Candle [1] - 199:7 cannot [4] - 39:21, 40:4, 130:1, 172:21 capacity [1] - 31:20 capsules [1] - 122:13 car [33] - 5:17, 5:18, 6:9, 8:3, 9:1, 11:25, 12:8, 12:20, 15:23, 16:10, 17:14, 22:3, 27:1, 27:5, 27:7, 109:21, 109:24, 110:8, 110:13, 110:14, 111:2, 111:5, 111:9, 111:11, 111:17, 111:18, 112:1, 112:3, 144:4, 151:19, 152:1, 152:4 card [1] - 35:11 care [5] - 16:19, 155:10, 156:25, 187:25, 196:13 Carolina [7] - 19:20, 20:13, 20:15, 24:19, 24:21, 24:22 carried [1] - 184:6 carrier [3] - 30:9, 84:21, 84:24 carriers [7] - 21:9, 21:15, 21:20, 26:9, 27:16, 30:1, 34:7 carries [1] - 169:4</p>	<p>carrying [1] - 44:11 CASE [1] - 1:3 case [22] - 22:6, 24:25, 34:16, 36:9, 36:15, 50:11, 67:10, 72:24, 74:6, 77:6, 86:20, 86:21, 129:21, 129:22, 129:23, 131:11, 132:16, 132:17, 198:17, 200:18, 200:22 cases [6] - 21:10, 24:4, 24:6, 24:7, 48:1 CAST [13] - 20:16, 20:18, 20:19, 20:24, 20:25, 21:6, 21:7, 21:16, 22:10, 22:12, 22:13, 22:15, 23:7 catch [1] - 166:24 catching [1] - 194:5 caught [8] - 125:15, 160:25, 165:17, 168:4, 174:4, 174:23, 186:20, 194:22 caveat [1] - 130:1 Cecil [1] - 80:20 celebrate [1] - 138:19 cell [79] - 22:4, 22:19, 23:6, 23:17, 24:5, 24:24, 24:25, 25:12, 25:14, 25:15, 26:21, 27:7, 27:8, 27:15, 29:19, 29:21, 29:22, 30:5, 30:7, 31:5, 32:24, 33:1, 33:3, 34:1, 34:12, 34:15, 34:20, 36:1, 36:2, 36:3, 36:8, 37:1, 37:3, 37:6, 37:7, 37:13, 37:23, 37:24, 38:15, 42:15, 42:20, 42:23, 46:21, 47:5, 49:16, 49:19, 55:2, 56:8, 58:24, 62:1, 62:4, 63:10, 63:25, 64:12, 65:24, 66:1, 66:11, 68:9, 68:11, 72:23, 73:12, 73:13, 78:18, 83:24, 84:5, 84:6, 85:6, 85:21, 86:1, 86:8, 92:24, 95:11, 95:12, 95:19, 97:21, 143:16 Cellular [4] - 20:19, 21:22, 23:16, 25:6 cellular [3] - 21:19, 23:25, 25:13 center [16] - 27:20,</p>	<p>27:21, 44:21, 52:13, 52:25, 91:1, 91:16, 91:17, 91:21, 92:4, 96:25, 97:1, 97:2, 97:10, 97:18, 102:12 ceremony [2] - 198:8, 198:9 certain [6] - 21:3, 34:8, 86:2, 86:3, 130:8, 148:25 certainly [11] - 63:3, 65:6, 130:12, 130:20, 130:24, 140:23, 167:15, 168:9, 177:13, 183:13, 191:19 certification [4] - 21:16, 22:10, 22:11, 22:13 certified [3] - 20:25, 22:9 certify [1] - 202:19 certiorari [1] - 129:24 CFNRVM [1] - 56:9 chamber [1] - 110:18 champagne [1] - 149:6 chance [1] - 192:5 change [3] - 11:8, 132:13, 134:20 changed [4] - 11:11, 35:10, 120:25, 176:14 changing [1] - 31:8 charge [2] - 184:19, 184:20 charged [10] - 101:18, 171:9, 171:14, 175:15, 175:19, 177:16, 180:12, 180:13, 185:2, 185:5 charges [2] - 169:1, 184:25 Charlotte [1] - 20:15 chart [8] - 47:22, 48:5, 48:17, 49:8, 50:7, 59:23, 79:18, 80:4 child [1] - 141:6 children [2] - 114:24, 141:4 chooses [1] - 131:2 Choptank [1] - 78:1 chose [1] - 131:8 choses [1] - 85:12 cigarette [5] - 16:6, 17:5, 17:9, 17:10, 17:16 cigarettes [5] - 119:5, 119:15, 119:20, 119:21, 160:21</p>
---	---	--	---	--

<p>circle [6] - 27:16, 27:17, 27:23, 75:24, 89:11, 97:18</p> <p>circled [1] - 64:2</p> <p>Circuit [3] - 129:22, 129:23, 131:11</p> <p>circumstances [1] - 176:5</p> <p>city [3] - 20:8, 44:21, 70:18</p> <p>City [9] - 20:8, 24:17, 31:15, 70:11, 70:14, 79:12, 126:10, 152:24</p> <p>city-wide [1] - 20:8</p> <p>CJ [5] - 147:19, 150:18, 150:22, 158:18, 178:25</p> <p>claimed [1] - 161:15</p> <p>clarified [1] - 47:21</p> <p>clarify [5] - 132:7, 133:2, 134:1, 173:3, 197:2</p> <p>clarity [1] - 202:15</p> <p>Clark [3] - 1:23, 202:19, 202:23</p> <p>clean [2] - 191:6, 194:1</p> <p>clear [10] - 3:1, 6:12, 6:14, 14:9, 86:7, 129:20, 130:10, 132:16, 196:25</p> <p>clearest [8] - 25:18, 26:4, 26:17, 31:8, 41:6, 64:3, 86:4, 87:17</p> <p>clearly [5] - 18:13, 81:2, 100:19, 199:11, 199:19</p> <p>CLERK [17] - 2:3, 3:10, 3:20, 3:22, 18:8, 18:13, 62:14, 62:17, 62:23, 99:11, 99:13, 99:24, 100:18, 186:5, 186:22, 198:4, 201:10</p> <p>clerk [1] - 2:16</p> <p>clerk's [1] - 3:7</p> <p>click [1] - 46:12</p> <p>client [1] - 82:18</p> <p>clip [1] - 50:23</p> <p>close [11] - 13:12, 13:13, 31:20, 44:17, 71:9, 74:5, 93:24, 136:24, 195:24, 195:25, 200:15</p> <p>closer [2] - 6:17, 30:16</p> <p>closest [13] - 12:10,</p>	<p>13:24, 13:25, 15:4, 26:6, 28:7, 28:9, 28:19, 85:25, 86:5, 92:24, 93:10, 93:12</p> <p>closing [1] - 199:21</p> <p>clothing [2] - 8:11, 8:12</p> <p>cocaine [1] - 140:16</p> <p>Code [1] - 32:16</p> <p>code [1] - 36:4</p> <p>collar [1] - 20:1</p> <p>collect [1] - 74:11</p> <p>Collective [1] - 3:13</p> <p>collective [1] - 100:2</p> <p>color [4] - 6:21, 11:16, 49:23, 50:5</p> <p>colors [2] - 49:25, 66:21</p> <p>column [5] - 37:2, 56:9, 58:6, 60:18, 61:22</p> <p>combination [4] - 32:24, 33:3, 33:21, 36:6</p> <p>come-up [1] - 9:17</p> <p>coming [9] - 111:5, 115:10, 115:22, 122:4, 130:2, 154:11, 154:19, 155:11, 158:7</p> <p>common [2] - 61:20, 87:5</p> <p>communicates [1] - 25:13</p> <p>communication [2] - 147:4, 168:11</p> <p>communications [1] - 58:11</p> <p>community [2] - 146:10, 163:15</p> <p>companies [4] - 29:19, 29:21, 29:22, 39:5</p> <p>company [1] - 38:24</p> <p>complete [1] - 24:24</p> <p>complex [2] - 9:1, 13:11</p> <p>complexion [2] - 6:13, 6:15</p> <p>computer [1] - 1:21</p> <p>computer-aided [1] - 1:21</p> <p>concentration [1] - 19:17</p> <p>concerned [2] - 11:4, 170:9</p> <p>concluded [1] - 133:12</p> <p>concludes [1] - 17:25</p> <p>concur [1] - 131:25</p>	<p>conduct [5] - 11:8, 135:15, 135:20, 135:23, 166:7</p> <p>confer [1] - 76:20</p> <p>conference [1] - 133:3</p> <p>confessed [1] - 185:12</p> <p>confirm [1] - 61:11</p> <p>confront [1] - 177:10</p> <p>confusing [1] - 15:17</p> <p>confusion [1] - 50:23</p> <p>connect [12] - 28:21, 58:5, 83:24, 84:1, 84:7, 87:9, 178:25, 179:6, 179:10, 191:5, 193:18, 194:1</p> <p>connected [7] - 56:23, 56:25, 73:13, 73:18, 87:13, 87:16, 95:10</p> <p>connecting [2] - 84:5, 84:6</p> <p>connection [2] - 22:19, 34:16</p> <p>connects [1] - 84:18</p> <p>consider [2] - 102:16, 138:25</p> <p>consideration [1] - 86:18</p> <p>considered [1] - 137:2</p> <p>consistent [8] - 42:9, 43:7, 51:10, 52:10, 64:5, 64:15, 68:4, 71:6</p> <p>consistently [1] - 44:24</p> <p>constantly [2] - 26:16, 31:7</p> <p>CONT [1] - 1:5</p> <p>contact [21] - 48:18, 48:19, 48:20, 48:21, 48:22, 48:25, 49:5, 49:6, 49:25, 50:2, 59:24, 62:7, 66:3, 66:23, 66:25, 67:18, 69:22, 71:12, 82:10, 105:4, 164:3</p> <p>contacted [3] - 105:5, 161:14, 173:18</p> <p>contacting [3] - 49:1, 49:2, 49:3</p> <p>contacts [1] - 72:15</p> <p>contain [1] - 58:19</p> <p>contention [1] - 144:22</p> <p>contents [1] - 174:11</p> <p>context [1] - 123:23</p> <p>continue [6] - 2:7, 3:15, 60:6, 63:5, 133:23, 187:4</p> <p>continued [4] - 39:25,</p>	<p>48:14, 51:12, 101:1</p> <p>continues [1] - 51:1</p> <p>continuing [4] - 44:9, 58:5, 63:1, 80:20</p> <p>convenient [1] - 92:15</p> <p>conversation [8] - 9:15, 125:9, 162:7, 169:19, 178:16, 189:4, 194:3, 196:4</p> <p>conversations [4] - 147:8, 160:10, 188:17, 196:6</p> <p>cooperate [4] - 128:3, 134:24, 184:15, 189:25</p> <p>cooperating [1] - 129:25</p> <p>cooperation [5] - 130:6, 135:6, 135:11, 182:21, 183:3</p> <p>coordinate [1] - 199:8</p> <p>coordinated [1] - 36:23</p> <p>coordinates [1] - 74:16</p> <p>corner [2] - 71:9, 110:15</p> <p>correct [153] - 4:11, 4:17, 5:7, 5:9, 5:18, 5:23, 6:4, 6:16, 6:21, 7:9, 7:22, 8:16, 8:23, 11:6, 16:12, 17:6, 28:8, 29:18, 43:8, 44:7, 45:18, 45:25, 46:19, 48:6, 51:2, 52:21, 54:25, 55:17, 55:21, 61:4, 62:2, 62:3, 63:22, 76:11, 77:15, 77:22, 78:7, 78:10, 78:11, 78:21, 79:7, 79:8, 79:12, 79:16, 79:19, 80:6, 80:7, 80:8, 80:14, 80:22, 80:25, 81:5, 81:6, 81:13, 81:16, 81:20, 82:3, 82:7, 82:10, 82:11, 82:13, 82:18, 82:23, 83:1, 83:11, 83:12, 83:19, 84:18, 85:10, 85:11, 85:23, 86:9, 86:12, 88:20, 88:25, 89:14, 89:18, 89:20, 90:7, 90:14, 90:17, 90:20, 90:22, 91:11, 91:13, 92:11, 92:16, 92:22, 92:25, 93:1, 93:7, 93:11, 93:20, 93:25, 95:20, 95:21, 95:24,</p>	<p>105:14, 107:5, 118:16, 131:23, 138:17, 139:8, 139:23, 142:5, 142:8, 142:19, 145:20, 146:3, 146:11, 148:7, 154:22, 155:2, 155:23, 156:6, 160:5, 160:6, 160:17, 161:12, 163:5, 163:16, 167:13, 171:9, 171:10, 173:7, 173:16, 173:17, 173:20, 174:1, 174:8, 174:9, 175:12, 175:16, 175:22, 177:8, 177:16, 178:21, 180:9, 180:10, 181:6, 182:7, 183:5, 183:20, 184:9, 184:16, 184:21, 184:25, 187:17, 188:18, 191:1, 192:20, 197:6, 202:20</p> <p>cost [1] - 31:16</p> <p>costs [1] - 184:9</p> <p>council [1] - 76:20</p> <p>counsel [2] - 79:22, 99:1</p> <p>Counsel [5] - 130:13, 159:15, 186:8, 199:1, 200:21</p> <p>count [1] - 184:5</p> <p>counterparty [1] - 67:11</p> <p>County [13] - 19:20, 20:2, 20:3, 20:4, 24:16, 24:17, 24:18, 24:19, 24:22, 78:7, 80:21</p> <p>couple [5] - 2:12, 50:13, 50:16, 123:20, 169:22</p> <p>course [14] - 21:7, 21:12, 21:13, 21:15, 22:21, 22:22, 92:7, 103:19, 139:5, 175:5, 176:4, 176:7, 193:15</p> <p>COURT [141] - 1:1, 2:6, 2:11, 2:18, 2:20, 2:23, 3:12, 3:14, 3:21, 3:25, 10:7, 12:15, 12:17, 13:16, 14:12, 16:23, 16:25, 17:21, 18:2, 18:4,</p>
--	--	--	--	---

18:18, 19:2, 19:6, 23:10, 23:12, 23:15, 25:6, 59:7, 59:10, 59:12, 62:8, 62:19, 62:25, 65:6, 76:22, 79:24, 80:2, 88:14, 88:16, 91:3, 91:6, 94:7, 96:16, 97:4, 98:1, 98:4, 98:19, 98:21, 98:25, 99:15, 99:20, 100:1, 100:3, 100:13, 100:23, 101:9, 103:9, 105:13, 105:17, 105:19, 105:22, 107:5, 107:7, 117:22, 118:11, 118:15, 128:23, 129:1, 129:4, 129:7, 129:13, 129:18, 130:18, 130:22, 131:15, 131:24, 132:3, 132:15, 132:21, 133:1, 133:9, 133:13, 133:16, 133:19, 133:25, 136:7, 137:9, 137:12, 159:17, 160:1, 160:4, 160:7, 166:10, 168:15, 168:18, 172:5, 172:8, 172:18, 172:21, 172:24, 174:6, 174:10, 174:14, 185:19, 185:21, 185:24, 186:2, 186:8, 186:16, 186:19, 186:24, 189:11, 189:15, 189:20, 190:2, 190:6, 190:9, 191:19, 191:25, 192:3, 192:19, 192:22, 193:6, 196:21, 196:23, 197:8, 197:14, 197:17, 198:3, 198:5, 198:21, 199:1, 199:25, 200:3, 200:6, 200:9, 200:12, 200:16, 201:3, 201:6, 201:8 Court [18] - 1:24, 2:3, 2:17, 18:19, 34:25, 38:5, 44:18, 44:25, 62:14, 62:17, 99:10, 99:11, 129:24, 133:11, 186:5, 201:8, 201:10, 202:24	court [11] - 22:6, 22:25, 24:10, 24:14, 24:15, 24:20, 24:21, 99:13, 100:25, 196:19, 201:11 Court's [2] - 10:6, 191:17 court's [7] - 16:21, 126:2, 159:9, 172:1, 173:10, 193:13, 196:19 courthouse [3] - 18:20, 33:7, 167:20 courtroom [17] - 3:11, 18:21, 62:15, 62:24, 88:10, 99:12, 99:25, 101:2, 127:12, 129:12, 129:15, 129:17, 129:19, 133:18, 186:6, 198:20 courts [2] - 24:13, 24:15 cousin [4] - 123:10, 142:11, 147:1, 148:18 cover [4] - 27:15, 27:23, 31:15, 86:14 coverage [1] - 30:23 covering [2] - 127:3, 127:6 covers [1] - 89:15 COVID-19 [1] - 101:1 crazy [1] - 160:12 create [1] - 37:12 created [1] - 81:8 crime [9] - 20:1, 20:3, 74:16, 74:20, 127:23, 171:9, 175:15, 175:20, 177:16 crimes [4] - 20:1, 20:6, 101:18, 101:21 CRIMINAL [1] - 1:3 Cripps [2] - 190:21, 190:22 Critical [1] - 22:23 cross [7] - 4:2, 15:9, 30:23, 76:23, 130:23, 136:8, 195:25 cross-examination [4] - 4:2, 15:9, 76:23, 136:8 crossing [2] - 78:1, 78:4 Crown [1] - 15:14 crying [1] - 121:13 Cumberland [1] - 24:18	curriculum [1] - 22:23 custodians [1] - 21:23 custody [1] - 99:16 customer [1] - 26:11 cut [3] - 38:10, 107:21, 122:9 cut-out [1] - 38:10 cute [1] - 151:20 Cynthia [1] - 76:17 D D.C [2] - 20:3, 32:19 daily [2] - 11:2, 11:3 Dana [1] - 1:11 dangerous [2] - 7:12, 7:14 Danielle [1] - 162:1 dark [6] - 6:18, 15:11, 38:5, 81:23, 82:1, 82:9 darker [1] - 6:18 DaShields [18] - 1:5, 2:7, 2:8, 3:3, 3:6, 3:18, 3:21, 3:24, 4:6, 13:14, 17:19, 17:21, 109:12, 109:15, 109:18, 112:4, 187:19, 202:3 data [29] - 20:22, 31:22, 34:12, 34:16, 56:8, 73:3, 73:8, 73:11, 73:12, 74:9, 74:12, 74:14, 74:17, 74:22, 74:24, 75:9, 75:18, 75:20, 76:7, 76:10, 84:18, 84:20, 85:6, 85:10, 97:21, 98:7 date [19] - 30:2, 32:13, 35:1, 35:6, 35:7, 36:21, 36:22, 36:24, 41:25, 60:4, 68:13, 83:9, 107:4, 181:18, 189:3, 192:5, 192:7, 192:14 dates [3] - 82:14, 83:18, 163:19 daughter [3] - 115:1, 183:24, 183:25 DAY [1] - 1:5 days [3] - 151:1, 152:18, 152:22 de [1] - 148:7 de-friended [1] - 148:7 dead [3] - 87:10, 87:11, 121:10 deal [11] - 41:25, 131:6, 132:9, 132:24, 175:8, 179:16, 181:10, 182:18, 182:21, 183:3, 190:4 dealing [4] - 30:9, 33:17, 130:17, 140:3 deals [1] - 88:20 December [2] - 175:11, 176:9 decide [4] - 145:18, 183:2, 187:11, 187:16 decided [1] - 142:18 decides [3] - 143:19, 143:23, 154:3 deduct [1] - 74:19 deeper [1] - 21:14 Defendant [33] - 1:6, 1:13, 12:12, 35:23, 48:3, 59:19, 67:3, 68:19, 103:10, 103:14, 103:20, 104:6, 104:8, 108:17, 110:10, 111:2, 111:7, 111:11, 111:17, 112:10, 114:7, 115:8, 116:16, 116:23, 119:3, 119:6, 119:25, 120:18, 120:20, 121:4, 121:14, 123:13, 127:19 Defendant's [37] - 12:15, 41:20, 42:21, 44:14, 44:23, 48:8, 51:7, 51:14, 52:4, 55:7, 55:20, 57:9, 57:19, 58:11, 59:24, 63:25, 64:8, 67:6, 68:1, 71:10, 72:15, 76:9, 94:23, 95:15, 95:22, 96:24, 97:8, 97:21, 97:23, 160:1, 163:18, 172:6, 196:25, 197:2, 197:3, 197:17, 197:18 defendant's [1] - 79:24 Defendants [1] - 94:15 defense [1] - 199:25 Defense [15] - 79:23, 80:16, 111:21, 130:13, 130:25, 131:2, 131:8, 131:9, 131:16, 159:17, 174:1, 176:9, 176:19, 191:16, 201:6 definitely [1] - 198:16 degree [1] - 19:16 degrees [1] - 27:16 Delaware [8] - 32:19, 70:3, 70:4, 70:16, 78:24, 78:25, 79:6, 80:20 deleting [1] - 191:1 demand [2] - 113:25, 155:6 demeanor [1] - 115:19 denied [1] - 129:24 Denis [1] - 198:3 density [1] - 31:18 department [1] - 164:7 Department [3] - 19:21, 152:25, 163:22 dependent [3] - 84:21, 84:24, 84:25 depict [2] - 29:2, 30:12 depicted [3] - 27:23, 37:20, 102:20 depiction [1] - 193:2 depth [1] - 11:12 deputy [1] - 19:19 describe [8] - 10:24, 31:22, 48:15, 75:14, 97:7, 103:16, 106:7, 122:2 described [2] - 15:23, 29:20 design [1] - 21:25 designed [1] - 27:15 desk [1] - 3:7 detail [8] - 20:22, 24:9, 35:14, 35:20, 35:25, 36:20, 67:1, 87:14 detective [1] - 152:24 Detective [10] - 159:5, 159:11, 160:10, 160:24, 163:21, 164:6, 164:13, 164:24, 166:5, 166:12 detectives [1] - 126:18 determination [1] - 6:21 determine [3] - 76:12, 135:1, 193:1 determined [1] - 86:22 determines [1] - 199:13 development [1] - 143:8 device [3] - 74:17, 75:6, 85:1 devices [3] - 26:23,
---	--	---

<p>74:21, 75:8 dial [1] - 87:11 dialed [5] - 32:5, 32:6, 32:7, 32:8, 47:10 dialing [1] - 47:9 Diener [4] - 38:3, 40:19, 113:2, 113:6 difference [8] - 26:14, 27:7, 28:25, 29:1, 36:22, 38:14, 73:5, 80:9 differences [1] - 38:21 different [11] - 4:22, 27:18, 29:21, 32:18, 32:20, 35:8, 38:13, 40:20, 174:11, 175:22 difficulty [1] - 197:12 digits [3] - 32:5, 32:6, 32:8 diminish [1] - 77:4 dinner [1] - 186:10 direct [8] - 16:2, 78:23, 105:10, 105:24, 172:10, 191:22, 192:11, 202:16 Direct [1] - 133:12 direction [7] - 29:12, 29:13, 30:15, 88:8, 91:13, 113:16, 113:18 directions [2] - 27:9, 80:13 directly [2] - 56:24, 86:8 disappeared [1] - 74:12 discrepancies [1] - 61:20 discretion [3] - 18:21, 101:2, 184:14 discuss [5] - 17:23, 98:22, 104:8, 168:19, 198:22 discussed [3] - 168:19, 170:8, 187:22 discussing [2] - 119:13, 200:11 discussion [3] - 160:23, 178:4, 178:16 discussions [2] - 180:3, 180:5 display [1] - 29:3 dispute [3] - 196:6, 196:8, 196:9 disrespectful [2] - 158:10, 158:12</p>	<p>distance [3] - 76:3, 141:17, 180:23 distributing [1] - 140:9 DISTRICT [3] - 1:1, 1:1, 1:8 District [4] - 2:3, 2:4, 24:20, 24:21 dive [1] - 21:14 DIVISION [1] - 1:2 divorce [2] - 186:12, 186:16 document [2] - 81:8, 131:5 documents [2] - 130:15, 130:19 done [7] - 77:4, 77:5, 105:12, 109:5, 158:15, 193:2, 197:5 Donuts [2] - 73:20, 73:23 door [23] - 75:23, 113:9, 113:25, 114:13, 114:14, 115:23, 155:6, 155:8, 155:9, 157:2, 157:4, 157:8, 157:9, 157:15, 157:18, 157:19, 157:20, 158:4, 160:11, 164:19, 194:17, 194:18 dope [1] - 9:17 Dorchester [1] - 24:17 dot [5] - 30:19, 39:8, 75:22, 76:13, 130:23 dots [3] - 30:19, 37:22, 37:24 down [41] - 17:9, 17:22, 18:22, 19:3, 19:25, 24:14, 27:9, 30:20, 31:7, 31:9, 40:21, 45:17, 48:24, 53:1, 53:17, 60:19, 73:19, 82:5, 85:21, 89:23, 93:14, 93:18, 96:9, 96:25, 98:21, 101:3, 101:10, 121:12, 125:13, 143:24, 144:2, 146:7, 155:8, 161:1, 164:19, 168:4, 169:15, 176:25, 180:19, 189:22, 199:17 download [1] - 61:10 downtown [1] - 44:21 downward [1] - 71:20 draw [5] - 53:11, 53:24, 53:25, 75:15,</p>	<p>97:11 drawing [3] - 26:22, 75:12, 89:11 dreaming [1] - 142:4 dressed [1] - 194:14 drew [2] - 74:15, 96:23 drift [1] - 198:16 drink [1] - 119:19 drive [7] - 22:2, 22:4, 22:7, 31:9, 111:18, 141:18, 141:19 driven [1] - 27:2 driver [1] - 16:17 driving [6] - 6:3, 13:8, 16:13, 16:15, 17:15, 73:19 drop [3] - 13:11, 87:12, 116:13 dropped [4] - 31:13, 31:14, 112:8, 123:5 drove [2] - 109:10, 111:16 drug [6] - 7:15, 89:20, 92:18, 140:3, 148:1, 148:4 drugs [36] - 20:5, 104:12, 108:12, 116:2, 120:2, 121:21, 122:1, 122:8, 122:13, 124:18, 124:20, 125:20, 125:21, 125:23, 125:25, 139:7, 140:10, 140:18, 150:19, 150:21, 158:18, 162:25, 163:2, 170:5, 170:14, 170:21, 171:20, 171:24, 175:3, 176:18, 179:1, 179:9, 179:12, 182:13 duly [3] - 3:18, 18:10, 100:15 Dunkin' [2] - 73:20, 73:23 duplicate [1] - 33:5 duration [7] - 30:4, 32:14, 58:6, 60:16, 61:3, 65:21 during [26] - 19:22, 20:23, 21:13, 40:7, 40:8, 41:18, 46:9, 47:8, 53:8, 67:17, 70:24, 71:12, 72:13, 74:19, 88:23, 95:14, 96:5, 97:21, 118:22, 145:18, 151:4, 154:11, 160:9,</p>	<p>163:24, 164:24, 176:7 duties [1] - 19:22</p> <p style="text-align: center;">E</p> <p>e-mail [2] - 73:7, 76:18 early [6] - 3:14, 55:16, 55:19, 115:9, 158:3, 161:3 earth [1] - 33:16 easiest [1] - 80:13 East [4] - 44:17, 45:8, 51:15, 89:24 east [7] - 6:25, 33:20, 80:10, 90:7, 103:25, 123:12 Eastern [6] - 36:25, 68:25, 70:11, 77:21, 78:21, 79:11 Easton [1] - 71:18 easy [1] - 90:4 eat [2] - 149:2, 149:5 edification [1] - 83:20 Edmondson [15] - 7:1, 7:15, 13:6, 38:8, 51:23, 52:10, 52:16, 53:1, 90:10, 90:12, 90:17, 110:7, 110:14, 111:18, 112:1 educational [1] - 19:15 effect [2] - 86:25, 179:14 either [19] - 8:21, 26:8, 42:18, 62:6, 74:10, 90:3, 92:9, 93:22, 96:1, 96:9, 96:13, 98:10, 109:20, 131:10, 132:6, 132:21, 153:17, 182:15, 200:22 elapsed [1] - 5:11 element [1] - 32:15 eleven [1] - 183:23 Elkton [2] - 80:20, 81:4 ELMO [1] - 197:5 emits [1] - 27:4 emitted [2] - 29:11, 88:8 emphatic [2] - 186:19, 186:21 empty [1] - 8:9 end [8] - 32:13, 46:12, 50:22, 56:13, 56:14, 90:3, 186:14, 196:12 ended [2] - 54:6, 153:2</p>	<p>ending [7] - 44:3, 44:12, 46:10, 50:1, 50:2, 50:3, 83:3 ends [2] - 52:15, 53:6 energy [3] - 29:11, 29:14, 88:7 enforcement [8] - 11:19, 12:7, 21:24, 83:16, 136:16, 151:12, 152:21, 165:24 engineers [1] - 21:25 England [1] - 23:1 enter [1] - 113:8 entered [1] - 130:3 enters [5] - 3:11, 62:24, 99:25, 133:18, 186:23 entire [2] - 2:24, 98:12 entitled [2] - 167:12, 202:21 environment [1] - 25:16 equal [3] - 41:3, 45:5, 96:11 equally [1] - 86:11 equipment [3] - 22:3, 38:18 era [1] - 10:21 ESN [1] - 75:5 especially [1] - 145:5 Esq [2] - 1:14, 1:15 estimate [1] - 23:5 estimated [1] - 74:19 evaluator [1] - 22:25 evening [13] - 44:11, 48:7, 48:16, 51:13, 55:15, 57:20, 67:5, 67:20, 67:25, 82:1, 154:2, 186:10, 198:18 event [3] - 17:24, 98:22, 155:15 events [1] - 17:7 everywhere [1] - 161:10 evidence [21] - 2:20, 2:24, 2:25, 12:17, 25:7, 80:2, 130:2, 130:5, 130:7, 131:1, 131:4, 131:7, 131:9, 131:10, 131:11, 131:21, 132:1, 132:11, 172:22, 192:18, 197:9 evidentiary [3] - 129:9, 134:1, 190:4 exact [4] - 14:2, 14:5, 14:7, 14:19 exactly [3] - 12:5,</p>
--	--	---	---	---

<p>193:11, 194:1 examination [7] - 4:2, 15:9, 16:2, 76:23, 78:23, 94:9, 136:8 Examination [2] - 13:17, 133:12 examined [3] - 3:18, 18:10, 100:15 example [9] - 28:18, 32:1, 36:20, 39:23, 48:2, 73:19, 76:9, 86:6, 86:7 examples [3] - 26:21, 28:23, 88:13 except [1] - 166:23 exception [2] - 18:20, 101:2 exchange [2] - 58:14, 58:15 excited [2] - 10:9, 144:1 excuse [10] - 9:21, 42:11, 55:20, 57:23, 60:2, 72:2, 81:20, 137:20, 147:25, 195:24 excused [4] - 197:22, 197:23, 198:18, 198:22 exercise [1] - 22:6 Exhibit [68] - 12:13, 12:15, 14:11, 25:6, 31:21, 31:23, 34:4, 34:5, 34:18, 34:19, 35:4, 35:16, 35:18, 36:11, 36:18, 36:19, 37:10, 37:17, 37:19, 43:5, 46:11, 46:14, 46:15, 47:13, 49:20, 56:2, 56:11, 57:22, 60:2, 61:13, 63:13, 65:3, 79:9, 79:23, 79:24, 80:17, 81:8, 84:15, 85:20, 89:22, 90:24, 92:21, 102:7, 102:18, 105:12, 105:13, 105:15, 106:16, 106:24, 107:1, 111:21, 113:3, 117:20, 123:16, 128:21, 129:4, 137:7, 137:9, 159:16, 159:17, 160:1, 163:18, 172:6, 196:25, 197:2, 197:3, 197:18, 197:19 exhibit [13] - 33:25, 35:18, 51:4, 88:19, 88:20, 90:25, 92:22,</p>	<p>92:23, 93:9, 94:22, 129:2, 172:5, 191:25 exhibits [2] - 2:12, 193:3 exist [2] - 83:14, 83:15 exits [6] - 62:15, 99:12, 129:12, 129:17, 186:6, 198:20 expensive [1] - 149:2 experience [1] - 81:23 expert [3] - 23:16, 23:24 expertise [1] - 23:8 experts [1] - 23:20 explain [3] - 25:12, 200:24, 201:1 explanation [2] - 25:3, 41:1 extent [1] - 50:5 eye [1] - 100:8</p>	<p>80:10, 96:3, 96:5 fashion [1] - 132:24 fault [2] - 198:10, 198:11 favorite [3] - 27:2, 27:3, 27:6 FBI [13] - 1:17, 19:12, 19:13, 19:18, 19:19, 19:23, 20:11, 20:13, 20:16, 20:23, 23:7, 126:10, 126:24 feature [2] - 28:12, 56:9 February [6] - 142:7, 142:17, 166:2, 166:18, 167:1, 180:22 Federal [7] - 1:24, 24:15, 24:19, 24:20, 126:11, 126:16, 127:10 Fells [1] - 89:25 felt [1] - 125:13 few [9] - 15:23, 88:13, 88:15, 103:19, 103:23, 152:18, 152:22, 198:19, 199:4 field [2] - 19:24, 23:9 Field [1] - 20:12 fight [5] - 151:21, 152:2, 152:4, 152:7, 152:8 fighting [1] - 152:7 figure [1] - 22:4 figured [1] - 142:13 filed [1] - 130:4 final [1] - 22:5 finally [8] - 4:24, 31:4, 53:2, 53:18, 71:22, 173:12, 177:21, 184:5 financially [1] - 10:13 fine [27] - 2:21, 10:13, 17:12, 23:10, 23:14, 88:16, 98:4, 131:7, 131:15, 132:15, 133:13, 153:5, 160:7, 174:14, 186:2, 186:16, 193:2, 193:6, 196:23, 196:24, 197:17, 198:2, 200:16 finger [4] - 53:11, 91:24, 96:24, 97:11 finish [2] - 187:7, 189:21 finished [1] - 192:12 fire [1] - 195:17</p>	<p>firearm [3] - 8:23, 101:19, 127:15 first [47] - 4:8, 5:10, 21:17, 23:6, 32:2, 32:3, 33:1, 37:2, 37:22, 40:4, 45:10, 48:11, 50:15, 57:11, 58:8, 66:5, 74:22, 75:15, 83:6, 87:21, 94:14, 102:19, 108:11, 108:23, 110:10, 119:12, 119:14, 121:22, 123:4, 123:21, 126:24, 128:23, 129:1, 159:22, 167:1, 170:4, 170:20, 171:6, 178:7, 181:8, 181:15, 182:2, 182:7, 182:12, 182:14, 191:23 five [15] - 51:25, 55:23, 62:20, 63:1, 63:2, 65:22, 99:6, 112:23, 114:4, 133:8, 133:10, 133:12, 141:12, 184:2, 194:5 five-minute [1] - 112:23 flashlight [2] - 28:14, 88:9 flat [1] - 8:13 flaunting [1] - 149:11 flight [1] - 26:13 flipping [3] - 39:8, 44:11, 53:4 flirtatious [1] - 146:2 floor [2] - 121:10, 184:21 Floor [1] - 1:24 flying [2] - 159:2, 161:10 focus [2] - 45:10, 51:5 focused [2] - 47:25, 81:10 focusing [4] - 46:12, 48:7, 49:21, 50:9 foggy [1] - 17:8 folks [2] - 21:23, 22:16 follow [3] - 77:24, 84:15, 150:15 follow-up [1] - 84:15 followed [3] - 5:8, 5:12, 84:12 following [2] - 125:3, 181:3 follows [3] - 3:19, 18:11, 100:16</p>	<p>food [2] - 141:2, 149:6 FOR [1] - 1:1 force [1] - 20:20 foregoing [1] - 202:20 forgive [1] - 14:8 forth [10] - 31:6, 41:4, 41:14, 45:6, 58:16, 96:7, 96:12, 96:14, 96:19, 162:8 forward [4] - 16:16, 56:10, 99:20, 103:17 four [11] - 21:17, 24:8, 36:23, 37:7, 47:23, 51:25, 64:21, 74:15, 78:10, 78:14, 141:7 Fourth [3] - 129:22, 129:23, 131:11 Franklin [2] - 90:13 frankly [1] - 83:13 freaky [1] - 106:15 free [5] - 101:10, 130:24, 130:25, 132:22, 178:20 frequency [4] - 27:3, 27:5, 86:24, 87:1 frequent [1] - 146:22 Friday [9] - 186:10, 186:14, 198:6, 198:7, 198:11, 198:13, 198:14, 198:15, 199:16 friend [9] - 102:15, 102:16, 103:24, 109:10, 136:21, 136:22, 145:5, 162:4, 182:6 friend's [1] - 109:11 friended [1] - 148:7 friends [1] - 126:11 front [9] - 54:22, 96:14, 102:6, 112:9, 115:5, 148:20, 148:22, 149:11, 194:17 fronted [1] - 149:19 frustrated [1] - 115:21 fuck [1] - 10:2 FUCK [1] - 10:2 fucking [2] - 188:1, 195:16 fudge [2] - 200:17, 200:23 fulfill [1] - 134:14 full [6] - 18:14, 27:16, 27:23, 100:20, 121:20, 122:3 fully [5] - 18:23, 18:25, 101:5, 101:7, 134:24 funeral [2] - 162:17, 162:19</p>
F				
<p>F.2d [1] - 129:23 face [2] - 11:17, 150:14 Facebook [9] - 105:4, 137:16, 137:25, 138:3, 148:7, 150:5, 150:9, 162:8, 191:1 faces [3] - 42:19, 148:20, 148:23 facilities [2] - 62:11, 100:6 facing [8] - 33:19, 33:20, 43:7, 43:21, 57:17, 64:14, 186:11 fact [4] - 161:14, 177:11, 180:5, 181:24 factors [4] - 86:2, 86:3, 86:6, 86:16 facts [8] - 127:25, 130:1, 130:7, 131:3, 131:12, 131:17, 132:2, 132:19 fairly [4] - 31:20, 79:1, 90:4, 146:22 falsely [1] - 135:25 Fam [1] - 107:16 fam [1] - 107:19 familiar [3] - 77:10, 89:18, 92:19 family [8] - 107:20, 125:8, 126:11, 141:20, 141:24, 144:6, 161:14, 163:25 far [5] - 22:5, 46:3,</p>				

funny ^[1] - 143:1 future ^[1] - 10:10 G gang ^[3] - 190:12, 190:20, 190:22 gangs ^[2] - 20:1, 20:5 Gardner ^[16] - 117:6, 117:16, 190:17, 190:25, 191:8, 191:10, 192:15, 193:16, 194:11, 194:13, 194:20, 195:1, 195:15, 195:23, 196:7, 196:13 gasoline ^[1] - 195:17 general ^[4] - 36:4, 45:8, 89:6, 195:10 generalization ^[2] - 89:12, 89:13 generally ^[4] - 34:5, 46:13, 48:15, 188:24 generate ^[5] - 22:7, 84:8, 85:18, 95:9, 95:11 generated ^[2] - 40:5, 95:5 generating ^[1] - 84:11 gentleman ^[1] - 183:16 gentlemen ^[6] - 23:15, 62:25, 129:10, 133:19, 186:24, 197:8 geofence ^[1] - 74:14 geographical ^[1] - 21:4 geographically ^[1] - 29:17 George ^[4] - 48:22, 49:2, 49:7, 67:18 George's ^[2] - 20:2, 24:16 Georgia ^[1] - 24:20 girl ^[3] - 107:21, 141:23, 146:13 girlfriend ^[1] - 104:3 given ^[11] - 6:1, 22:6, 48:3, 82:12, 82:14, 82:17, 83:3, 83:9, 124:18, 125:20, 172:25 glanced ^[2] - 16:5, 16:9 Glen ^[4] - 69:6, 69:15, 78:6, 78:20 Gmail ^[2] - 73:7, 73:9 God ^[2] - 121:13,	188:12 godson ^[2] - 137:4, 182:6 Google ^[16] - 72:25, 73:2, 73:3, 73:8, 74:3, 74:6, 74:8, 74:16, 75:17, 75:19, 75:20, 76:7, 76:8, 76:12, 80:1, 80:17 government ^[1] - 29:23 Government ^[40] - 2:13, 18:6, 50:15, 78:13, 79:21, 100:10, 100:11, 111:21, 117:19, 128:13, 129:4, 129:20, 129:21, 129:22, 129:24, 131:19, 132:22, 134:15, 134:19, 134:23, 135:16, 172:2, 175:8, 176:1, 176:25, 177:4, 179:16, 181:6, 181:10, 182:8, 182:22, 183:20, 187:13, 189:7, 193:3, 197:5, 197:9, 199:23, 200:25, 201:4 Government's ^[35] - 14:10, 25:5, 25:6, 31:21, 31:23, 37:16, 43:25, 47:3, 51:7, 75:13, 76:15, 79:9, 81:7, 84:15, 85:20, 89:22, 90:24, 92:21, 99:3, 102:7, 102:18, 105:12, 105:13, 105:15, 106:16, 106:24, 107:1, 113:3, 117:20, 117:22, 123:16, 128:20, 135:11, 137:7, 137:9 GPS ^[2] - 74:3 grabbed ^[1] - 121:15 grams ^[1] - 108:10 Grand ^[17] - 2:15, 2:24, 2:25, 126:10, 126:16, 127:10, 167:9, 167:16, 169:13, 169:15, 169:25, 170:3, 171:12, 172:18, 173:6, 173:16, 175:6 grandmother ^[1] - 141:25 gravitated ^[1] - 146:5	Gray ^[1] - 200:24 great ^[2] - 11:15, 16:5 green ^[12] - 28:4, 30:19, 33:22, 37:22, 37:23, 38:9, 38:22, 39:8, 50:4, 66:24, 123:23 Greenbelt ^[1] - 24:15 Greenwood ^[2] - 38:11, 42:10 greetings ^[2] - 3:13, 100:2 group ^[3] - 20:19, 23:2, 146:11 grow ^[4] - 134:22, 183:17, 184:3 grudge ^[1] - 153:8 guess ^[15] - 5:10, 6:19, 7:3, 10:14, 10:21, 53:21, 76:9, 83:8, 89:24, 143:8, 145:22, 149:15, 180:7, 181:14, 193:25 guidelines ^[2] - 134:17, 134:20 Guilford ^[1] - 24:22 guilt ^[2] - 127:4, 127:6 guilty ^[10] - 101:21, 126:20, 127:8, 127:12, 127:14, 128:13, 130:4, 135:8, 136:2 gun ^[50] - 9:7, 102:3, 102:4, 104:15, 104:18, 104:20, 105:2, 105:8, 109:2, 109:8, 109:24, 110:6, 110:17, 110:23, 120:6, 120:7, 120:9, 120:11, 120:12, 120:14, 120:15, 121:24, 122:15, 124:5, 124:6, 124:15, 124:16, 124:17, 124:23, 125:1, 151:4, 151:7, 151:13, 151:16, 151:18, 157:12, 170:22, 170:24, 171:17, 173:19, 175:1, 176:17, 176:21, 177:4, 177:11, 177:18, 177:19, 177:21, 178:5, 187:20 Gurevich ^[4] - 3:5, 12:14, 100:8, 133:17 guy ^[2] - 12:8, 12:20	guys ^[4] - 84:12, 146:8, 161:23, 166:23 H H-a-y-n-e-s ^[1] - 100:22 HAC ^[11] - 123:3, 123:4, 125:15, 125:16, 125:19, 153:22, 165:17, 166:24, 168:4, 174:4, 174:23 hack ^[1] - 160:25 haircut ^[2] - 12:22, 12:23 half ^[5] - 5:11, 69:23, 188:22, 200:19, 200:20 Halloween ^[2] - 138:17, 138:19 hand ^[9] - 18:9, 38:9, 51:19, 54:13, 100:7, 105:10, 157:21, 157:25, 185:23 handed ^[4] - 16:6, 17:5, 31:12, 124:12 handle ^[3] - 30:5, 31:20, 159:2 hands ^[5] - 121:12, 151:22, 151:23, 152:9, 165:9 hang ^[1] - 27:14 happy ^[1] - 149:17 hard ^[4] - 16:19, 91:8, 105:21, 149:16 Harris ^[5] - 48:23, 49:3, 67:19, 154:14 Harris's ^[3] - 38:11, 43:8, 68:5 haynes ^[1] - 133:22 HAYNES ^[3] - 1:6, 100:15, 202:7 Haynes ^[48] - 4:8, 8:2, 15:22, 38:3, 41:21, 43:13, 48:20, 50:4, 53:18, 56:16, 57:5, 57:25, 58:3, 58:10, 64:15, 65:19, 66:25, 67:18, 83:4, 83:10, 99:4, 99:16, 99:21, 100:12, 100:13, 100:21, 100:23, 101:16, 106:5, 107:12, 117:6, 118:20, 126:4, 133:6, 136:12, 163:3, 163:19, 166:4, 172:10,	185:7, 187:2, 187:7, 188:3, 190:25, 196:17, 197:22, 198:21 Haynes's ^[13] - 13:11, 44:6, 53:3, 53:10, 54:25, 64:5, 66:8, 83:17, 92:9, 93:10, 93:13, 93:23, 93:25 head ^[3] - 110:18, 121:12 heading ^[1] - 78:1 headquarters ^[2] - 20:11, 20:14 headsets ^[1] - 129:8 hear ^[9] - 59:7, 106:5, 107:12, 108:24, 116:23, 117:4, 118:2, 131:15, 165:23 heard ^[5] - 107:9, 108:23, 154:17, 156:2, 156:10 hearsay ^[1] - 130:8 heartbeats ^[1] - 31:17 height ^[2] - 86:22, 86:23 held ^[3] - 8:16, 152:18, 152:21 help ^[14] - 5:4, 37:12, 145:19, 145:25, 153:16, 153:17, 160:9, 192:14, 193:8, 193:20, 194:7, 195:5, 196:3, 196:16 helped ^[1] - 193:22 helpful ^[2] - 94:23, 186:1 helping ^[1] - 148:3 Henderson ^[2] - 129:21, 129:23 Henslee ^[4] - 167:7, 167:15, 169:17, 170:21 henslee ^[1] - 170:8 hereby ^[1] - 202:19 heroin ^[5] - 108:2, 108:5, 108:10, 140:14, 158:21 Herring ^[4] - 34:25, 38:5, 44:18, 44:25 hesitate ^[1] - 100:6 high ^[4] - 7:17, 7:18, 89:20, 92:18 highlighted ^[5] - 14:16, 14:18, 66:23, 66:24, 81:11 himself ^[1] - 187:16 historical ^[1] - 20:21
--	---	--	---	---

<p>hit [2] - 25:20, 80:21</p> <p>hits [5] - 53:19, 53:20, 73:14, 75:23, 91:16</p> <p>hitting [1] - 92:24</p> <p>hold [3] - 118:11, 122:16, 129:4</p> <p>holder [1] - 34:7</p> <p>holding [2] - 54:20, 153:8</p> <p>home [15] - 4:13, 4:16, 4:18, 4:19, 41:21, 67:25, 75:13, 76:6, 112:24, 115:7, 143:12, 155:9, 155:12, 155:13, 158:5</p> <p>Home [2] - 143:6, 168:5</p> <p>Homes [3] - 161:1, 165:17, 173:22</p> <p>homicide [1] - 126:18</p> <p>homicides [1] - 20:9</p> <p>honestly [1] - 200:14</p> <p>Honor [48] - 2:10, 4:3, 14:10, 16:22, 16:24, 18:6, 19:8, 24:2, 25:8, 63:6, 65:5, 76:21, 88:15, 94:10, 99:3, 100:11, 105:9, 105:15, 106:23, 107:3, 117:19, 118:8, 118:14, 128:20, 129:6, 129:16, 130:11, 132:12, 133:7, 136:9, 160:3, 160:6, 168:21, 172:6, 172:20, 174:9, 185:17, 186:15, 187:5, 190:5, 190:8, 191:22, 192:16, 193:4, 197:7, 199:24, 201:5, 201:7</p> <p>HONORABLE [1] - 1:8</p> <p>Honorable [3] - 2:4, 62:18, 99:14</p> <p>hope [2] - 134:19, 183:19</p> <p>hopefully [1] - 179:10</p> <p>hoping [3] - 183:17, 199:18, 199:20</p> <p>hospital [2] - 53:2, 53:17</p> <p>hounding [2] - 150:1, 150:12</p> <p>hour [4] - 55:23, 69:24, 85:9, 188:22</p> <p>hours [16] - 7:3, 7:4, 13:3, 36:23, 78:10, 78:14, 82:1, 82:9,</p>	<p>86:21, 113:21, 114:4, 154:2, 157:25, 158:4, 161:4, 169:22</p> <p>house [83] - 4:21, 38:1, 42:19, 43:8, 43:14, 44:6, 48:9, 51:20, 55:7, 55:8, 55:21, 64:5, 67:3, 71:14, 75:23, 89:3, 90:3, 90:20, 92:9, 92:25, 93:10, 93:13, 93:19, 93:25, 94:16, 94:20, 94:24, 104:2, 104:3, 104:4, 107:25, 108:13, 111:19, 112:17, 112:23, 112:24, 113:19, 113:21, 114:3, 114:5, 115:6, 115:8, 115:14, 115:22, 116:16, 116:21, 119:6, 120:18, 121:16, 122:4, 123:6, 123:7, 123:10, 123:25, 124:4, 141:13, 141:17, 147:24, 147:25, 154:4, 155:4, 155:5, 156:11, 157:13, 161:3, 163:1, 163:2, 164:16, 164:19, 165:9, 165:18, 166:19, 168:3, 173:15, 173:22, 188:8, 188:11, 194:15, 194:18, 195:17, 195:21</p> <p>houses [1] - 112:6</p> <p>Houston [2] - 180:15, 180:17</p> <p>hundred [3] - 4:18, 14:8, 14:21</p> <p>hung [1] - 136:24</p> <p>hurt [3] - 157:21, 157:25, 194:25</p> <p>husband [2] - 117:7, 190:17</p>	<p>117:24, 118:6, 128:21, 131:20, 132:1, 132:5, 132:23, 159:16, 159:18, 172:2, 172:7, 191:22, 192:19</p> <p>identified [4] - 47:23, 77:8, 103:10, 183:8</p> <p>identify [2] - 74:20, 130:16</p> <p>ignored [1] - 4:23</p> <p>ignoring [1] - 4:25</p> <p>Ill [2] - 202:13</p> <p>illuminate [1] - 15:24</p> <p>illustration [1] - 88:1</p> <p>imagine [3] - 28:13, 29:12, 169:4</p> <p>immediately [2] - 60:11, 63:20</p> <p>implicating [1] - 135:25</p> <p>important [4] - 27:13, 29:6, 32:23, 133:2</p> <p>impression [1] - 4:16</p> <p>imprint [4] - 170:22, 170:24, 171:17, 177:18</p> <p>IN [1] - 1:1</p> <p>in-depth [1] - 11:12</p> <p>inaccurate [1] - 80:11</p> <p>inadvertently [1] - 72:19</p> <p>incarcerated [3] - 101:16, 105:5, 195:11</p> <p>Incident [1] - 22:23</p> <p>incident [5] - 158:4, 159:7, 160:10, 164:7, 164:25</p> <p>include [9] - 35:25, 48:4, 98:8, 128:6, 128:9, 135:14, 135:18, 135:20, 135:25</p> <p>included [3] - 50:6, 130:1, 131:4</p> <p>including [3] - 23:23, 95:2, 144:20</p> <p>incoming [16] - 32:9, 32:10, 32:13, 40:6, 49:8, 56:21, 60:19, 60:22, 61:1, 61:24, 65:19, 85:7, 95:8, 95:9, 95:12, 95:14</p> <p>increase [1] - 11:8</p> <p>increasing [1] - 11:6</p> <p>indicate [5] - 45:25, 49:25, 50:2, 66:23, 189:24</p>	<p>indicated [12] - 4:23, 7:8, 65:21, 66:25, 75:22, 78:23, 82:22, 85:25, 88:1, 90:17, 160:24, 187:8</p> <p>indicates [1] - 157:5</p> <p>indication [2] - 81:2, 88:7</p> <p>indicative [3] - 77:20, 88:1, 93:24</p> <p>indicted [1] - 127:10</p> <p>individual [1] - 13:24</p> <p>individuals [1] - 77:10</p> <p>indulge [1] - 196:20</p> <p>indulgence [8] - 10:6, 16:21, 126:2, 159:9, 172:1, 173:10, 193:13, 196:19</p> <p>infer [1] - 162:13</p> <p>information [28] - 30:7, 33:5, 34:6, 34:8, 34:9, 34:20, 35:6, 36:1, 36:12, 36:15, 37:1, 37:4, 37:13, 47:12, 47:14, 47:18, 48:4, 49:16, 49:19, 62:1, 67:14, 72:24, 72:25, 73:2, 74:7, 75:5, 171:16, 183:19</p> <p>informing [1] - 175:14</p> <p>inside [11] - 6:10, 8:6, 8:9, 15:24, 112:6, 112:10, 115:15, 115:17, 116:21, 157:13, 171:1</p> <p>instantly [1] - 154:6</p> <p>instructions [2] - 82:12, 199:17</p> <p>interest [2] - 82:14, 82:15</p> <p>interested [1] - 185:17</p> <p>interfere [2] - 86:9, 86:11</p> <p>interior [5] - 15:13, 15:15, 15:20, 15:23, 15:25</p> <p>International [1] - 69:9</p> <p>interpreted [1] - 188:14</p> <p>interrupt [1] - 133:25</p> <p>intersection [1] - 38:8</p> <p>interview [4] - 159:11, 170:3, 171:19, 177:18</p> <p>interviewed [3] - 11:19, 126:4, 167:4</p> <p>introduce [4] - 129:21, 129:25, 130:24,</p>	<p>131:11</p> <p>introduced [4] - 5:23, 131:1, 131:9, 146:25</p> <p>introduction [1] - 5:24</p> <p>investigating [1] - 20:9</p> <p>investigation [6] - 77:6, 78:12, 79:5, 79:18, 82:13, 126:5</p> <p>investigator [6] - 19:20, 174:1, 174:3, 174:18, 176:10, 176:19</p> <p>investigators [4] - 74:7, 74:15, 75:4, 75:17</p> <p>involve [2] - 89:13, 140:3</p> <p>involved [8] - 67:10, 77:5, 86:20, 139:7, 147:4, 148:1, 161:12, 161:15</p> <p>involving [1] - 93:22</p> <p>IOS [1] - 73:4</p> <p>items [1] - 56:3</p> <p>itself [4] - 33:12, 75:7, 105:14, 132:10</p>
J				
				<p>Jackson [2] - 44:17, 142:23</p> <p>Jackson's [15] - 38:4, 44:25, 48:9, 51:11, 51:16, 51:20, 53:5, 53:9, 66:13, 66:17, 67:3, 67:25, 70:23, 71:6, 71:14</p> <p>jail [10] - 50:11, 51:1, 51:6, 105:16, 105:17, 117:8, 169:5, 187:13, 188:18, 191:12</p> <p>James [1] - 118:4</p> <p>Jaron [2] - 12:24, 14:16</p> <p>Javon [1] - 1:16</p> <p>Jefferson [1] - 200:24</p> <p>Jeffery's [1] - 92:25</p> <p>Jeffrey [59] - 1:17, 34:11, 34:13, 39:15, 46:16, 46:17, 46:19, 46:24, 48:19, 48:25, 49:2, 49:4, 49:5, 49:11, 49:14, 50:1, 50:3, 52:18, 58:12, 58:17, 58:18, 58:21, 59:15, 59:19, 61:16, 65:14, 93:19, 93:22, 108:11, 136:21,</p>

<p>137:8, 137:14, 137:22, 138:15, 143:19, 144:6, 144:12, 144:23, 145:18, 146:17, 146:19, 147:3, 147:7, 147:13, 147:15, 150:12, 152:15, 153:4, 154:15, 155:1, 157:12, 161:9, 161:18, 162:2, 191:1, 191:4, 193:9, 196:10</p> <p>Jeffrey's [20] - 38:1, 41:21, 42:19, 55:8, 55:21, 59:24, 60:1, 60:3, 60:9, 63:10, 63:21, 68:19, 76:6, 82:25, 94:16, 94:24, 146:15, 147:23, 156:7, 162:17</p> <p>Jen [5] - 116:6, 126:7, 148:15, 150:22, 158:18</p> <p>Jen's [2] - 116:1, 116:8</p> <p>Jennifer [71] - 34:10, 34:13, 38:1, 39:15, 41:21, 42:19, 46:16, 48:19, 48:20, 48:25, 49:2, 49:4, 49:5, 49:11, 49:14, 50:1, 50:3, 52:18, 55:21, 58:11, 58:13, 58:17, 58:18, 59:14, 61:15, 63:10, 65:14, 68:18, 82:25, 92:25, 93:19, 93:22, 94:16, 102:13, 102:14, 107:23, 108:11, 114:10, 115:22, 116:13, 117:3, 120:2, 125:21, 148:3, 148:6, 148:10, 149:20, 150:12, 150:19, 150:25, 153:4, 154:15, 155:3, 155:7, 157:12, 163:20, 164:8, 170:5, 170:14, 178:8, 178:20, 179:10, 181:16, 182:3, 188:15, 193:9, 193:17, 193:22, 193:24, 196:10</p> <p>Jennifer's [24] - 39:20, 41:17, 90:3, 90:19,</p>	<p>92:9, 104:12, 112:17, 112:24, 113:15, 113:19, 113:21, 114:3, 114:5, 115:5, 121:16, 122:5, 141:13, 154:4, 155:7, 163:25, 165:9, 179:6, 194:15, 194:18</p> <p>job [3] - 139:25, 140:25</p> <p>Johnson [4] - 18:24, 101:6</p> <p>joined [2] - 19:18, 19:19</p> <p>joint [3] - 8:18, 8:21, 9:3</p> <p>JUDGE [1] - 1:8</p> <p>judge [3] - 76:24, 97:3, 184:14</p> <p>Judge [7] - 18:21, 100:23, 100:24, 101:3, 135:2, 187:16, 198:4</p> <p>judges [1] - 99:8</p> <p>July [7] - 151:12, 167:4, 168:2, 169:10, 169:12, 173:7, 186:20</p> <p>jump [1] - 50:18</p> <p>June [5] - 83:9, 98:11, 180:14, 188:18, 189:1</p> <p>JUNE [1] - 1:9</p> <p>Juneway [1] - 123:12</p> <p>jurors [1] - 62:10</p> <p>jury [31] - 3:4, 3:5, 3:10, 23:22, 62:19, 62:21, 62:23, 99:17, 99:23, 99:24, 105:10, 106:24, 117:21, 120:13, 129:10, 129:19, 132:8, 133:6, 133:16, 183:17, 186:14, 186:22, 186:23, 192:25, 197:5, 197:21, 197:22, 199:12, 199:13, 199:20, 200:15</p> <p>JURY [1] - 1:5</p> <p>Jury [26] - 2:15, 2:24, 2:25, 3:11, 62:15, 62:24, 99:12, 99:25, 126:10, 126:16, 127:10, 129:12, 133:18, 167:9, 167:16, 169:13,</p>	<p>169:15, 169:25, 170:4, 171:12, 172:18, 173:6, 173:16, 175:6, 186:6, 198:20</p> <p style="text-align: center;">K</p> <p>K's [1] - 126:7</p> <p>K.B [2] - 202:12, 202:13</p> <p>keep [12] - 3:25, 29:19, 29:21, 29:25, 30:1, 30:2, 79:4, 92:8, 100:8, 151:21, 180:5, 190:9</p> <p>Kelly [1] - 1:17</p> <p>kept [3] - 122:18, 150:1, 200:23</p> <p>Kester [4] - 143:20, 202:11, 202:12, 202:13</p> <p>Kiara [36] - 4:8, 8:2, 13:4, 38:3, 41:21, 43:13, 44:6, 48:20, 50:4, 53:3, 53:10, 53:18, 54:25, 56:16, 57:5, 57:25, 58:3, 58:10, 65:19, 66:8, 66:25, 67:18, 83:4, 83:10, 83:17, 92:9, 93:10, 93:13, 93:23, 93:24, 99:4, 99:16, 100:11, 100:21, 103:4, 155:9</p> <p>KIARA [4] - 1:6, 100:15, 100:21, 202:7</p> <p>Kiara's [2] - 55:7, 90:3</p> <p>kidnappings [1] - 20:9</p> <p>kids [5] - 134:22, 155:10, 158:12, 181:1, 183:17</p> <p>kill [7] - 104:12, 182:6, 191:5, 193:18, 193:25, 194:21, 196:1</p> <p>killed [2] - 151:2, 161:10</p> <p>killing [2] - 162:4, 193:24</p> <p>kind [30] - 7:10, 8:7, 10:12, 10:13, 10:21, 11:17, 15:2, 31:22, 52:24, 53:11, 54:17, 54:23, 57:19, 69:8, 70:5, 88:8, 89:5, 90:6, 96:11, 138:23, 144:8, 144:24, 145:1, 145:7, 146:2,</p>	<p>146:10, 159:2, 169:19, 171:16</p> <p>kitchen [1] - 121:10</p> <p>knock [1] - 157:4</p> <p>knowing [4] - 10:11, 144:14, 144:15, 162:6</p> <p>knowledge [5] - 5:15, 8:8, 10:19, 83:16, 190:23</p> <p>known [6] - 48:1, 50:6, 139:3, 159:2, 159:6, 160:12</p> <p>knows [5] - 25:21, 25:23, 73:25, 169:7, 177:4</p> <p style="text-align: center;">L</p> <p>LAC [4] - 36:3, 37:2, 40:9</p> <p>lace [1] - 145:24</p> <p>ladies [7] - 23:15, 62:25, 129:9, 133:19, 183:16, 186:24, 197:8</p> <p>land [2] - 28:16, 28:18</p> <p>landline [1] - 26:9</p> <p>landscape [1] - 28:12</p> <p>language [3] - 9:12, 188:1, 195:16</p> <p>larger [1] - 80:17</p> <p>last [20] - 53:7, 54:24, 59:3, 59:23, 60:9, 63:9, 63:14, 63:22, 67:21, 68:19, 82:25, 83:7, 93:22, 99:7, 107:8, 118:9, 124:2, 143:4, 181:3</p> <p>late [6] - 55:15, 62:9, 62:12, 154:2, 186:11, 186:17</p> <p>latest [4] - 59:3, 59:4, 59:9, 59:13</p> <p>latitude [4] - 33:15, 36:3, 37:3, 75:21</p> <p>law [10] - 11:19, 12:7, 21:24, 83:16, 131:11, 132:17, 136:16, 151:12, 152:21, 165:23</p> <p>Laws [2] - 12:24, 14:16</p> <p>lawyer [10] - 128:19, 167:5, 167:12, 168:7, 168:9, 168:19, 175:16, 175:22, 180:3, 181:5</p> <p>lawyers [3] - 101:4, 190:6, 200:18</p>	<p>lawyers' [1] - 198:10</p> <p>laying [1] - 121:9</p> <p>learn [4] - 108:11, 108:15, 147:15, 176:1</p> <p>learned [8] - 21:8, 21:13, 21:18, 147:3, 147:7, 161:9, 163:25, 182:20</p> <p>least [6] - 16:15, 50:13, 72:6, 88:23, 139:12, 146:10</p> <p>leave [8] - 112:18, 119:6, 119:10, 120:16, 120:18, 129:14, 200:24, 200:25</p> <p>leaves [1] - 89:23</p> <p>leaving [1] - 80:12</p> <p>left [37] - 26:23, 37:25, 38:9, 43:20, 43:22, 49:23, 52:6, 52:13, 66:22, 69:9, 90:25, 91:1, 91:14, 91:18, 91:20, 91:21, 96:25, 97:1, 97:2, 97:9, 97:18, 102:19, 113:19, 114:3, 115:5, 119:12, 119:22, 119:25, 120:3, 120:20, 122:21, 122:23, 166:20, 168:3, 170:4, 170:13</p> <p>left-hand [1] - 38:9</p> <p>legend [2] - 37:21, 49:23</p> <p>legion [1] - 66:22</p> <p>legs [1] - 53:12</p> <p>lemon [2] - 110:18, 110:19</p> <p>length [1] - 58:8</p> <p>lengthy [1] - 200:18</p> <p>less [3] - 37:7, 130:13, 187:13</p> <p>letter [8] - 130:24, 175:12, 175:14, 183:7, 183:8, 183:10, 185:10</p> <p>letting [1] - 122:14</p> <p>level [2] - 87:19, 114:15</p> <p>Lewis [11] - 152:24, 159:5, 159:11, 160:10, 160:24, 163:21, 164:6, 164:13, 164:24, 166:5, 166:12</p> <p>Lexington [1] - 92:18</p> <p>lie [3] - 166:8, 171:23,</p>
--	--	--	---	---

<p>177:19 lied [9] - 126:7, 126:16, 126:24, 127:3, 161:2, 166:11, 169:2, 169:7, 169:25 lies [2] - 166:14, 170:9 life [6] - 116:3, 138:23, 139:5, 184:6, 184:23, 195:11 lifelong [1] - 136:21 lifetime [1] - 102:15 light [10] - 15:13, 15:15, 15:20, 15:23, 15:25, 17:11, 28:14, 29:13, 73:21, 82:6 lighter [1] - 6:18 lighting [1] - 6:10 like.. [1] - 7:11 likely [1] - 84:13 Lillian [2] - 48:23, 67:19 line [10] - 14:4, 28:23, 30:22, 30:25, 31:1, 32:2, 32:3, 46:23, 53:25, 186:13 lines [1] - 58:16 Link [1] - 47:15 list [2] - 33:6, 33:14 listed [1] - 35:8 listen [3] - 27:5, 133:20, 199:12 listened [2] - 50:13, 51:6 listening [1] - 118:15 live [1] - 123:11 lived [2] - 113:4, 143:6 lives [1] - 123:12 living [2] - 116:20, 165:25 local [1] - 24:15 location [24] - 13:6, 20:22, 33:12, 36:1, 36:4, 51:5, 71:10, 72:23, 72:25, 73:2, 73:3, 73:8, 73:11, 74:3, 74:6, 74:9, 75:18, 75:19, 76:7, 84:18, 84:20, 95:12, 143:13 locations [3] - 23:17, 38:15, 82:15 log [1] - 67:2 logged [1] - 65:24 logically [1] - 76:2 logs [1] - 73:9 Lombard [1] - 1:24 London [1] - 23:1 longest [1] - 17:12 longitude [4] - 33:15,</p>	<p>36:3, 37:3, 75:21 look [30] - 6:3, 6:20, 11:15, 13:8, 14:15, 16:3, 16:19, 17:12, 26:15, 30:25, 33:5, 33:11, 33:13, 40:22, 43:24, 46:23, 53:6, 58:5, 61:9, 61:12, 67:1, 86:19, 94:18, 134:7, 136:2, 164:19, 172:11, 193:1, 197:10 looked [28] - 8:7, 8:11, 12:8, 12:10, 12:11, 12:20, 13:25, 14:2, 14:4, 33:23, 35:22, 43:6, 46:19, 48:11, 50:7, 56:17, 60:11, 63:13, 63:20, 63:21, 72:18, 72:20, 75:1, 86:21, 86:23, 87:25, 94:18, 95:13 looking [25] - 14:23, 15:6, 16:15, 26:13, 26:20, 26:23, 27:22, 30:4, 31:23, 32:24, 37:16, 37:21, 41:17, 44:5, 61:22, 68:10, 68:11, 68:13, 71:9, 77:9, 130:3, 143:1, 164:10, 195:5, 199:15 looks [5] - 15:2, 38:12, 40:22, 49:5, 70:15 lose [1] - 43:24 loud [2] - 2:13, 157:9 loudness [1] - 114:15 love [2] - 91:25, 103:21 loved [1] - 142:1 lower [5] - 31:4, 134:17, 134:20 lunch [4] - 62:20, 63:2, 99:10, 198:14 lungs [1] - 155:25 Luzerne [1] - 24:18 lying [1] - 135:18</p>	<p>54:7, 56:6, 56:19, 58:9, 59:2, 61:19, 61:24, 63:12, 67:9, 67:15, 68:8, 69:10, 70:6, 70:17, 74:25, 76:8, 95:1, 95:18, 97:20 machine [1] - 145:22 mad [5] - 115:24, 148:6, 154:6, 154:8, 178:19 mail [2] - 73:7, 76:18 main [1] - 20:7 maintain [3] - 22:1, 31:9, 74:11 maintained [1] - 76:8 maintains [1] - 73:3 major [1] - 38:14 male [2] - 5:12, 5:20 man [9] - 5:8, 5:13, 6:1, 6:7, 6:23, 11:15, 13:4, 17:5, 84:10 mandatory [6] - 134:17, 134:21, 184:11, 184:14, 184:16, 184:18 manner [1] - 150:21 manually [1] - 26:15 map [17] - 21:9, 22:7, 29:7, 30:12, 37:22, 42:8, 42:18, 55:11, 55:12, 71:25, 74:15, 80:1, 80:9, 80:13, 80:17, 85:18, 92:16 mapping [2] - 81:2, 83:6 maps [3] - 29:2, 37:12, 58:24 March [2] - 142:17, 176:24 mark [1] - 132:23 marked [7] - 79:22, 80:16, 117:23, 132:1, 132:4, 191:21, 192:19 marker [1] - 92:14 marking [1] - 131:20 marks [1] - 202:15 marriage [1] - 186:12 marry [1] - 143:20 Marshal [1] - 129:13 MARSHAL [1] - 129:16 MARTIN [3] - 1:5, 3:18, 202:3 Martin [6] - 3:24, 109:12, 109:25, 111:16, 112:4, 187:19 Marty [1] - 187:19</p>	<p>Maryland [20] - 1:25, 2:4, 24:15, 34:11, 34:25, 38:10, 39:6, 39:18, 39:20, 41:22, 42:10, 43:7, 68:4, 68:25, 69:5, 69:6, 69:15, 69:20, 70:11, 79:11 MARYLAND [2] - 1:1, 1:9 mask [3] - 4:1, 19:3, 101:9 masks [4] - 18:19, 18:21, 100:25, 101:3 material [1] - 145:25 Matt [1] - 18:7 matter [7] - 129:9, 130:25, 134:1, 174:12, 186:20, 198:8, 202:21 matters [8] - 2:8, 131:13, 186:12, 190:4, 197:21, 197:24, 198:19 MATTHEW [4] - 1:6, 18:10, 18:17, 202:5 Matthew [1] - 18:16 mattress [2] - 120:10, 120:11 maximum [3] - 76:3, 169:5, 184:6 mean [22] - 12:24, 13:24, 16:5, 24:6, 31:15, 53:22, 61:6, 76:5, 86:13, 86:14, 88:3, 88:10, 107:24, 108:4, 108:17, 108:19, 116:8, 116:10, 133:1, 152:7, 195:10, 195:12 meaning [7] - 18:23, 73:17, 101:5, 136:2, 178:25, 182:21, 191:4 means [10] - 23:20, 29:8, 29:15, 60:25, 73:13, 73:18, 74:10, 135:22, 184:3, 184:14 meant [2] - 94:2, 110:21 measures [1] - 73:24 media [3] - 163:5, 163:7, 163:10 medium [3] - 6:16, 6:17 meet [7] - 103:14, 124:16, 144:6, 167:20, 176:25,</p>	<p>178:25, 179:6 meeting [6] - 99:8, 147:17, 173:13, 181:8, 181:21, 182:2 meetings [4] - 21:22, 179:22, 182:25, 185:8 melissa [1] - 1:23 Melissa [3] - 198:1, 202:19, 202:23 member [8] - 20:23, 20:25, 21:6, 22:14, 22:15, 190:12, 190:17, 190:20 members [3] - 106:23, 117:21, 120:13 memory [5] - 12:10, 14:1, 14:22, 146:22, 194:2 men [2] - 12:2, 12:3 mental [1] - 15:8 mention [1] - 107:4 mentioned [8] - 13:3, 15:9, 23:19, 82:2, 99:7, 104:25, 141:20, 186:9 Mercedes [3] - 15:15, 15:18, 15:19 mess [2] - 115:23, 158:16 message [2] - 29:4, 85:17 messages [11] - 30:8, 49:10, 49:13, 49:16, 49:18, 58:13, 58:14, 58:15, 58:16, 58:19, 58:21 messaging [2] - 30:8, 162:8 met [17] - 21:20, 21:21, 21:22, 21:24, 105:8, 110:15, 110:16, 136:13, 136:15, 136:19, 142:7, 161:18, 167:15, 167:18, 174:1, 176:4, 176:9 meter [3] - 73:15, 76:1 meters [2] - 74:4, 75:25 MetroPCS [2] - 35:13, 36:7 microphone [3] - 4:1, 18:14, 100:19 microphones [1] - 133:3 Middle [1] - 159:24 middle [14] - 39:9, 43:2, 52:17, 53:16, 53:19, 54:12, 60:18,</p>
--	--	--	--	---

<p>61:13, 63:13, 65:18, 75:16, 88:5, 123:25, 124:1</p> <p>midnight [3] - 13:13, 55:19, 72:1</p> <p>might [17] - 21:3, 26:22, 28:9, 38:19, 38:20, 40:23, 45:24, 54:18, 62:4, 62:8, 98:10, 162:22, 163:25, 164:10, 180:12, 185:18, 199:2</p> <p>Mike [1] - 62:22</p> <p>mind [4] - 9:19, 9:22, 94:2, 121:1</p> <p>mine [1] - 124:21</p> <p>minimal [1] - 94:11</p> <p>minimize [1] - 135:22</p> <p>minimizing [1] - 135:20</p> <p>minimum [6] - 134:18, 134:21, 184:11, 184:14, 184:16, 184:18</p> <p>minute [13] - 41:6, 41:15, 50:19, 56:1, 57:22, 62:12, 112:23, 141:12, 155:15, 174:6, 186:4</p> <p>minutes [16] - 5:11, 5:12, 54:12, 59:21, 62:20, 63:1, 63:2, 99:6, 111:8, 112:13, 114:6, 133:8, 133:10, 133:12, 155:17, 156:17</p> <p>mirror [1] - 6:4</p> <p>misinterpret [1] - 88:2</p> <p>miss [1] - 60:21</p> <p>miss.bellamy1116@gmail.com [1] - 76:19</p> <p>mobile [1] - 32:8</p> <p>Mobile [7] - 21:21, 35:21, 36:6, 37:23, 38:16, 38:19, 38:22</p> <p>model [1] - 35:7</p> <p>models [1] - 35:8</p> <p>molly [1] - 110:2</p> <p>moment [13] - 10:6, 30:11, 43:5, 43:23, 46:13, 55:14, 59:17, 60:2, 63:8, 65:3, 65:5, 77:18, 195:4</p> <p>Monday [5] - 44:1, 44:12, 198:17, 199:16, 199:20</p> <p>money [9] - 10:11, 29:24, 125:19,</p>	<p>125:23, 139:22, 140:7, 140:21, 140:23, 149:11</p> <p>Montgomery [1] - 20:4</p> <p>month [2] - 41:18, 139:20</p> <p>months [2] - 103:19, 103:23</p> <p>moot [2] - 22:6, 22:25</p> <p>morning [44] - 2:6, 3:6, 3:8, 3:12, 4:6, 4:7, 13:21, 13:22, 18:18, 42:2, 44:5, 44:12, 55:16, 55:19, 56:5, 57:7, 58:4, 58:12, 58:25, 59:1, 59:4, 62:9, 62:13, 64:22, 68:1, 68:6, 68:23, 82:6, 93:4, 115:9, 117:17, 118:13, 118:16, 119:6, 122:4, 122:20, 154:9, 154:10, 158:3, 161:4, 164:8, 165:5, 199:9, 200:15</p> <p>most [16] - 24:6, 26:6, 27:15, 28:6, 28:11, 29:6, 30:1, 32:23, 36:2, 57:11, 74:2, 84:13, 93:15, 93:16, 116:2</p> <p>mostly [2] - 73:3, 166:6</p> <p>mother [1] - 195:16</p> <p>motion [3] - 134:20, 135:11, 187:12</p> <p>motions [1] - 197:1</p> <p>mountain [7] - 28:18, 28:19, 28:20, 28:21, 86:7, 86:8, 86:9</p> <p>move [9] - 31:9, 54:22, 87:20, 142:18, 151:22, 151:23, 180:21, 190:5</p> <p>moved [15] - 35:11, 40:25, 43:18, 54:19, 55:9, 55:13, 55:15, 96:1, 96:3, 96:4, 96:5, 96:9, 96:10, 147:22, 180:19</p> <p>movement [3] - 45:25, 46:2, 96:20</p> <p>moves [12] - 31:1, 43:3, 51:15, 51:22, 52:7, 52:9, 53:5, 53:8, 72:3, 91:13, 96:25, 97:9</p> <p>moving [10] - 40:14, 44:22, 45:7, 54:24,</p>	<p>79:4, 89:9, 96:14, 96:24, 103:16, 190:9</p> <p>MR [85] - 13:18, 13:20, 14:10, 14:14, 16:21, 23:8, 32:8, 42:11, 60:18, 61:22, 76:24, 77:1, 79:25, 80:3, 88:15, 88:17, 88:18, 91:5, 91:7, 91:9, 94:5, 96:15, 97:3, 98:3, 98:6, 98:17, 99:3, 100:11, 101:13, 101:15, 103:11, 105:9, 105:15, 105:18, 105:20, 105:23, 106:4, 106:23, 107:3, 107:6, 107:8, 107:11, 117:19, 118:1, 118:8, 118:14, 118:17, 118:19, 126:2, 126:3, 128:20, 128:25, 129:3, 129:6, 130:11, 130:19, 131:14, 131:23, 132:25, 133:7, 133:10, 133:24, 134:3, 136:6, 159:22, 159:25, 166:9, 168:11, 172:3, 174:5, 185:23, 186:1, 186:15, 186:18, 189:10, 189:14, 189:19, 190:1, 192:16, 200:2, 200:5, 200:7, 200:11, 200:13, 201:2</p> <p>MS [107] - 2:10, 2:12, 2:19, 2:22, 4:3, 4:5, 10:6, 10:8, 12:16, 12:18, 13:14, 16:24, 17:2, 17:4, 17:19, 18:6, 19:8, 19:10, 23:11, 23:14, 24:2, 24:3, 25:8, 25:9, 42:12, 42:13, 50:18, 50:21, 50:25, 59:9, 59:11, 59:16, 63:6, 63:7, 65:5, 65:7, 65:9, 65:11, 76:21, 94:10, 94:13, 96:17, 96:18, 97:6, 97:25, 99:19, 132:2, 132:12, 132:20, 136:9, 136:11, 137:11, 137:13, 159:9, 159:10, 159:15, 159:19,</p>	<p>159:24, 160:3, 160:6, 160:8, 166:13, 168:14, 168:17, 168:21, 168:22, 172:1, 172:4, 172:6, 172:9, 172:20, 172:23, 173:2, 173:10, 173:11, 174:9, 174:13, 174:16, 174:17, 185:17, 185:20, 185:22, 187:5, 187:6, 189:12, 189:17, 189:23, 190:5, 190:8, 190:10, 191:18, 191:20, 192:2, 192:4, 192:21, 193:4, 193:7, 193:13, 193:14, 196:19, 196:22, 197:7, 197:12, 197:15, 199:24, 201:5, 201:7</p> <p>Mulberry [1] - 90:9</p> <p>multiple [6] - 117:12, 136:16, 143:9, 154:22, 188:20, 196:6</p> <p>murder [3] - 101:20, 124:24, 127:16</p> <p>murdered [1] - 103:25</p> <p>murders [6] - 125:3, 126:7, 163:20, 166:7, 185:13, 188:6</p> <p>Murray [4] - 1:18, 65:9, 199:6, 199:8</p>	<p>143:12, 202:16</p> <p>need [20] - 22:12, 22:13, 27:10, 30:1, 36:23, 40:5, 62:9, 100:6, 129:9, 129:10, 129:13, 129:14, 131:12, 132:9, 153:14, 155:9, 155:12, 185:19, 185:24, 200:4</p> <p>needed [2] - 115:21, 158:9</p> <p>negative [2] - 11:12, 11:13</p> <p>neglected [1] - 107:3</p> <p>NEID [7] - 32:15, 32:18, 32:23, 32:24, 33:3, 47:7, 75:5</p> <p>NEIDs [2] - 32:18, 32:20</p> <p>nephew [6] - 102:5, 103:2, 103:24, 104:24, 122:14, 137:2</p> <p>nephew's [1] - 104:23</p> <p>nephews [1] - 106:7</p> <p>network [19] - 21:25, 22:1, 25:13, 26:7, 26:8, 26:10, 32:15, 33:4, 33:9, 33:11, 36:14, 56:23, 57:1, 62:7, 66:3, 86:13, 86:16, 87:19, 95:11</p> <p>never [15] - 5:13, 5:15, 33:4, 77:14, 83:9, 98:13, 98:15, 114:13, 149:23, 149:24, 160:14, 173:15, 173:18, 186:20, 200:20</p> <p>Never [1] - 167:18</p> <p>new [4] - 10:3, 22:22, 146:13, 146:25</p> <p>news [2] - 163:5, 163:7</p> <p>next [37] - 4:24, 7:21, 18:4, 28:22, 30:15, 30:24, 32:4, 32:15, 37:3, 40:10, 40:12, 40:13, 41:6, 41:24, 42:15, 42:23, 43:10, 55:2, 64:12, 64:13, 66:11, 69:1, 73:17, 75:23, 82:5, 82:22, 96:25, 99:1, 99:2, 99:3, 100:10, 103:19, 123:9, 157:24, 195:23, 195:25, 198:16</p>
---	---	--	--	---

<p>nice [2] - 3:14, 148:19</p> <p>nickname [2] - 106:12, 119:3</p> <p>niece [5] - 114:13, 116:7, 116:8, 155:8</p> <p>niece's [1] - 114:18</p> <p>night [12] - 103:24, 104:8, 108:13, 112:3, 113:21, 116:1, 123:21, 144:13, 146:15, 161:20, 165:3, 194:14</p> <p>nighttime [1] - 15:10</p> <p>NO [1] - 1:3</p> <p>nobody [3] - 164:14, 164:16, 194:25</p> <p>noise [1] - 133:21</p> <p>none [1] - 149:12</p> <p>noon [2] - 75:10</p> <p>normally [2] - 23:21, 28:16</p> <p>north [9] - 33:20, 42:19, 57:17, 64:14, 66:16, 70:3, 70:5, 70:15, 70:18</p> <p>North [3] - 20:15, 24:21, 24:22</p> <p>NORTHERN [1] - 1:2</p> <p>northern [2] - 20:14, 81:4</p> <p>NOTE [1] - 202:15</p> <p>note [1] - 191:23</p> <p>noted [1] - 75:2</p> <p>notes [1] - 1:21</p> <p>nothing [6] - 27:20, 55:10, 74:10, 162:10, 176:12, 176:14</p> <p>notice [1] - 27:14</p> <p>noticing [1] - 35:7</p> <p>November [3] - 130:4, 183:7, 183:11</p> <p>null [1] - 135:5</p> <p>number [59] - 30:2, 30:3, 32:3, 32:4, 32:5, 32:7, 32:11, 32:12, 32:22, 32:25, 33:2, 33:3, 33:6, 34:1, 34:13, 34:21, 35:5, 35:10, 35:12, 35:15, 35:21, 35:22, 36:5, 36:8, 36:13, 36:16, 37:5, 39:15, 40:25, 46:19, 47:4, 47:10, 48:2, 49:14, 50:10, 56:2, 57:13, 60:3, 60:9, 60:13, 61:11, 73:10, 74:8, 75:5, 82:20, 82:22,</p>	<p>82:25, 83:3, 87:8, 92:1, 129:2, 157:21, 159:23, 191:25</p> <p>Number [1] - 12:15</p> <p>numbers [15] - 26:9, 34:16, 36:6, 36:7, 37:13, 47:9, 47:10, 47:22, 47:23, 50:23, 77:9, 78:19, 82:17, 91:7, 159:23</p> <p style="text-align: center;">O</p> <p>o'clock [15] - 40:10, 63:3, 69:5, 69:7, 79:14, 82:6, 99:9, 99:10, 100:4, 154:9, 154:10, 186:3, 186:13, 186:25, 198:7</p> <p>oath [9] - 126:16, 160:5, 168:10, 168:24, 172:19, 173:1, 174:8, 174:11, 187:2</p> <p>object [1] - 186:18</p> <p>objection [15] - 96:15, 97:3, 166:9, 168:11, 174:5, 174:14, 186:15, 189:10, 189:14, 189:15, 189:16, 189:19, 190:1, 192:16, 192:17</p> <p>obligated [1] - 134:11</p> <p>obligations [1] - 134:14</p> <p>observed [1] - 120:13</p> <p>obtain [4] - 74:7, 74:8, 74:24, 84:24</p> <p>obviously [3] - 46:9, 133:2, 200:7</p> <p>occasion [6] - 22:24, 72:24, 139:12, 145:8, 171:17, 174:3</p> <p>occasionally [1] - 114:22</p> <p>occasions [4] - 22:22, 126:5, 138:22, 143:9</p> <p>occurred [2] - 30:2, 145:7</p> <p>occurrence [1] - 146:22</p> <p>occurring [1] - 49:13</p> <p>October [1] - 173:25</p> <p>OF [2] - 1:1, 1:3</p> <p>offer [2] - 184:5, 184:12</p> <p>offering [1] - 131:21</p> <p>office [3] - 19:24,</p>	<p>19:25, 20:7</p> <p>Office [2] - 20:2, 20:12</p> <p>officers [2] - 11:19, 20:20</p> <p>Official [2] - 1:24, 202:24</p> <p>often [2] - 41:18, 41:20</p> <p>old [6] - 84:10, 115:3, 141:6, 183:22, 183:24, 184:1</p> <p>once [5] - 3:4, 145:14, 145:15, 145:16, 145:17</p> <p>one [104] - 2:10, 6:2, 8:21, 10:6, 12:7, 16:24, 17:11, 18:24, 21:10, 21:20, 22:24, 24:7, 26:23, 27:21, 27:25, 28:2, 28:4, 28:19, 30:16, 30:21, 31:2, 31:12, 31:15, 34:7, 35:10, 35:16, 36:8, 37:22, 38:19, 38:22, 39:7, 39:8, 40:10, 40:21, 40:22, 41:6, 43:10, 43:13, 45:1, 45:2, 45:7, 45:11, 46:6, 46:17, 49:12, 50:3, 51:9, 51:10, 53:24, 55:14, 56:7, 58:8, 61:12, 61:17, 65:5, 66:19, 73:17, 73:20, 74:8, 75:20, 75:21, 76:7, 81:19, 82:17, 83:16, 84:15, 86:3, 86:6, 86:7, 86:16, 86:25, 87:1, 87:22, 90:9, 92:1, 93:2, 93:16, 94:18, 95:23, 97:14, 98:3, 101:6, 110:18, 115:1, 115:4, 116:3, 118:11, 119:8, 124:2, 127:3, 129:4, 132:6, 139:12, 141:5, 144:13, 145:7, 149:17, 151:7, 170:18, 185:7, 200:21</p> <p>one-night [1] - 144:13</p> <p>ones [3] - 38:24, 50:1, 50:5</p> <p>ongoing [1] - 10:18</p> <p>open [2] - 155:8, 157:15</p> <p>opened [2] - 114:13, 157:18</p> <p>operating [2] - 73:4, 73:5</p>	<p>opinion [3] - 23:21, 23:22, 23:25</p> <p>opioids [1] - 10:16</p> <p>opposed [1] - 129:7</p> <p>orange [3] - 38:7, 49:25, 75:24</p> <p>order [3] - 25:19, 40:5, 84:1</p> <p>orders [1] - 18:19</p> <p>orientation [1] - 33:18</p> <p>originally [1] - 126:24</p> <p>Orleans [3] - 123:5, 123:7, 123:8</p> <p>outcome [1] - 135:12</p> <p>outgoing [18] - 32:9, 40:6, 49:8, 58:22, 60:9, 60:16, 60:21, 60:24, 61:15, 61:23, 63:9, 63:14, 63:18, 63:22, 65:16, 81:11, 81:15, 85:7</p> <p>outline [1] - 6:13</p> <p>outlined [1] - 12:22</p> <p>outside [9] - 9:1, 37:6, 114:1, 114:5, 115:5, 155:3, 155:7, 155:11</p> <p>overhead [1] - 77:24</p> <p>overheard [2] - 178:8, 181:16</p> <p>overlap [4] - 45:22, 45:23, 89:5, 96:2</p> <p>overloaded [3] - 87:8, 87:17, 87:21</p> <p>overloading [4] - 87:1, 87:3, 87:4, 87:6</p> <p>overruled [4] - 166:10, 168:15</p> <p>overview [1] - 53:7</p> <p>owed [1] - 149:20</p> <p>own [8] - 38:17, 38:20, 83:20, 127:4, 127:6, 135:20, 135:22, 177:21</p> <p style="text-align: center;">P</p> <p>p.m [58] - 39:24, 39:25, 40:12, 42:7, 42:17, 44:16, 44:19, 44:20, 45:11, 45:16, 46:10, 49:5, 49:6, 49:22, 50:10, 54:11, 55:6, 64:7, 64:13, 66:6, 66:12, 66:15, 67:23, 69:2, 69:7, 69:11, 69:12, 69:16, 69:17, 70:14, 70:21, 71:11, 81:11, 81:15, 81:19, 81:20, 81:22, 88:24, 94:1, 97:22,</p>	<p>99:12, 99:25, 105:18, 107:6, 123:18, 124:2, 129:12, 129:17, 133:18, 186:6, 186:23, 198:20, 201:11</p> <p>packaged [1] - 124:10</p> <p>page [92] - 26:19, 26:20, 27:22, 28:24, 29:1, 29:15, 30:10, 30:12, 37:19, 38:12, 38:22, 38:24, 39:1, 39:8, 39:13, 39:14, 40:14, 41:24, 42:5, 42:11, 42:12, 42:14, 43:3, 43:5, 43:21, 46:13, 49:21, 51:13, 51:25, 52:1, 52:3, 52:7, 52:8, 52:22, 52:23, 52:25, 53:4, 54:5, 54:24, 56:3, 56:12, 57:6, 57:14, 59:18, 60:19, 61:13, 63:13, 63:14, 63:24, 64:7, 64:16, 65:3, 66:4, 66:5, 67:2, 67:24, 68:9, 69:1, 69:11, 69:23, 70:4, 70:8, 70:19, 79:10, 81:7, 85:20, 88:19, 89:22, 91:3, 91:7, 91:15, 92:21, 92:23, 93:9, 93:23, 94:19, 96:23, 97:7, 113:11, 123:16, 134:8, 137:16, 138:14, 159:15, 172:2, 192:11</p> <p>PAGE [1] - 202:2</p> <p>pages [2] - 28:25, 41:16</p> <p>paid [5] - 125:16, 140:1, 149:23, 149:24, 153:22</p> <p>pain [1] - 10:15</p> <p>pandemic [2] - 101:1, 176:7</p> <p>paper [2] - 194:7, 195:16</p> <p>paragraph [3] - 159:20, 159:23, 159:24</p> <p>Paralegal [2] - 1:18, 1:19</p> <p>parameters [1] - 75:17</p> <p>pardon [5] - 9:12, 180:17, 187:25, 190:22, 195:16</p> <p>parked [1] - 73:21</p>
---	--	---	---	---

part ^[14] - 14:16, 14:18, 23:7, 27:13, 72:19, 78:12, 79:5, 80:11, 128:3, 128:15, 138:22, 147:8, 147:17, 149:2
participants ^[1] - 18:22
particular ^[8] - 33:25, 41:25, 49:21, 77:6, 82:13, 86:20, 87:25, 92:22
particularly ^[1] - 56:3
partied ^[1] - 136:24
parties ^[4] - 48:1, 67:10, 67:14, 138:23
party ^[1] - 67:11
Pasadena ^[2] - 78:7, 78:20
passed ^[3] - 21:15, 90:22, 114:2
passenger's ^[4] - 5:21, 5:22, 6:7, 6:24
passing ^[1] - 86:25
past ^[3] - 83:8, 90:16, 186:3
path ^[1] - 97:11
patience ^[1] - 94:6
Paul ^[1] - 1:12
pause ^[2] - 43:23, 50:22
pay ^[8] - 9:19, 9:22, 9:24, 10:10, 152:15, 153:10, 153:12, 178:22
paying ^[3] - 7:9, 7:20, 153:2
PCS ^[1] - 47:16
penalty ^[1] - 184:6
Pennsylvania ^[2] - 24:17, 165:25
people ^[16] - 11:1, 11:2, 21:25, 31:19, 77:8, 102:8, 102:19, 118:20, 140:4, 140:7, 140:10, 146:5, 163:15, 179:23, 187:11
people's ^[1] - 128:10
per ^[2] - 184:19, 184:20
percent ^[5] - 4:18, 14:8, 14:21, 33:8, 61:10
Percocet ^[6] - 139:10, 139:12, 140:12, 149:20, 150:13, 150:25
Percocets ^[1] - 139:15
perfect ^[3] - 2:22,

30:24, 186:18
perfectly ^[1] - 132:15
perform ^[2] - 186:9, 198:7
perhaps ^[4] - 62:10, 90:3, 101:6, 199:7
period ^[18] - 10:18, 40:7, 40:8, 44:22, 46:10, 55:9, 64:21, 70:25, 72:13, 75:10, 76:10, 79:1, 88:23, 93:4, 95:14, 98:14, 98:15, 149:23
periods ^[1] - 188:22
perjury ^[3] - 169:1, 169:4, 169:8
Perkins ^[15] - 15:10, 88:25, 89:2, 89:3, 89:5, 89:13, 89:15, 89:18, 89:23, 143:6, 161:1, 165:17, 168:5, 173:22
permeate ^[1] - 28:20
permission ^[1] - 191:17
permitted ^[2] - 23:20, 132:17
person ^[19] - 5:3, 11:11, 11:24, 13:1, 14:23, 15:2, 15:6, 15:22, 16:3, 16:18, 17:16, 51:1, 54:20, 85:8, 111:24, 142:23, 147:19, 195:24, 195:25
PG ^[1] - 20:3
Philadelphia ^[1] - 32:20
phone ^[309] - 4:22, 21:8, 21:18, 22:4, 23:6, 23:17, 24:5, 24:24, 24:25, 25:12, 25:14, 25:18, 25:19, 25:20, 25:21, 25:23, 26:2, 26:5, 26:14, 26:16, 26:21, 26:25, 27:1, 27:7, 27:8, 27:10, 27:11, 27:15, 28:7, 28:21, 28:23, 29:4, 29:8, 29:10, 29:19, 29:21, 29:22, 30:13, 30:14, 31:1, 31:5, 31:7, 32:7, 32:17, 32:21, 34:1, 34:15, 34:16, 34:20, 35:5, 35:7, 35:8, 35:10, 35:13, 35:15, 36:5, 36:8, 36:13, 36:14, 36:21, 37:7, 37:23, 37:24, 38:15,

39:17, 39:20, 39:21, 40:2, 40:8, 40:11, 40:12, 40:17, 40:25, 41:2, 41:4, 41:8, 41:17, 41:20, 42:7, 42:8, 42:17, 42:21, 42:24, 43:1, 43:10, 43:18, 44:1, 44:14, 44:16, 44:20, 44:23, 44:24, 45:4, 45:19, 45:24, 45:25, 46:9, 46:16, 46:17, 47:4, 47:6, 47:12, 47:14, 47:16, 47:17, 47:19, 47:22, 47:24, 47:25, 48:8, 48:16, 48:25, 49:12, 49:18, 50:1, 50:2, 51:5, 51:7, 51:14, 51:15, 51:19, 52:4, 52:5, 52:7, 52:12, 52:24, 53:5, 53:8, 54:14, 54:18, 54:19, 54:20, 54:21, 55:4, 55:7, 55:9, 55:20, 56:2, 56:7, 56:11, 56:22, 56:23, 56:25, 57:9, 57:15, 57:19, 57:24, 58:10, 59:24, 60:1, 61:6, 61:9, 61:10, 62:6, 63:21, 63:25, 64:9, 64:10, 64:18, 66:1, 66:12, 66:14, 66:24, 66:25, 67:6, 67:17, 68:2, 68:3, 68:9, 68:11, 68:23, 69:3, 69:5, 69:13, 69:14, 69:18, 69:22, 70:1, 70:2, 70:9, 70:10, 70:12, 70:15, 70:20, 70:22, 71:8, 71:11, 71:18, 71:24, 72:3, 72:10, 72:15, 72:16, 73:4, 73:6, 73:13, 73:18, 73:22, 74:4, 74:9, 74:23, 75:7, 76:1, 76:3, 76:5, 76:9, 76:12, 77:9, 77:19, 78:9, 80:6, 81:3, 82:5, 83:3, 83:4, 83:18, 83:21, 83:23, 84:1, 84:4, 84:5, 84:7, 84:9, 84:16, 84:17, 84:19, 84:21, 84:23, 85:2, 85:9, 85:10, 85:12, 85:13, 85:14, 85:16, 85:17, 86:4, 87:1, 87:9, 87:20, 88:3, 88:10, 88:20, 88:24, 89:2, 89:4, 89:6,

89:8, 89:10, 90:22, 91:10, 91:13, 92:24, 93:9, 93:24, 94:15, 94:20, 94:21, 94:23, 95:4, 95:8, 95:10, 95:15, 95:22, 95:23, 96:1, 96:9, 96:10, 96:24, 97:8, 97:23, 98:12, 98:14, 105:19, 116:17, 123:13, 123:17, 123:18, 143:16, 155:7, 164:14, 164:22, 176:6, 182:3, 188:17, 188:18, 188:20, 191:12, 191:14
phone's ^[4] - 74:3, 76:2, 77:25, 98:13
phones ^[6] - 35:9, 35:11, 63:10, 64:14, 74:24, 75:2
photo ^[6] - 12:3, 12:8, 13:24, 14:3, 14:4, 111:22
photograph ^[11] - 12:19, 14:20, 102:8, 102:10, 102:19, 102:20, 106:17, 137:6, 137:21, 137:25, 138:15
photographs ^[1] - 77:12
photos ^[5] - 12:4, 12:5, 13:25, 14:22, 15:4
physical ^[5] - 38:17, 61:9, 61:10, 75:6
physically ^[1] - 2:14
pick ^[5] - 11:24, 25:20, 31:5, 91:8, 109:18
picked ^[5] - 7:6, 10:21, 10:22, 49:14, 61:6
picking ^[2] - 4:9, 140:6
picture ^[7] - 27:13, 30:17, 137:8, 138:7, 138:11, 138:20
pictured ^[1] - 59:3
pictures ^[1] - 11:22
piece ^[5] - 22:2, 22:3, 31:16, 139:15, 194:7
pieces ^[1] - 27:18
pill ^[3] - 149:20, 150:13, 150:25
pills ^[3] - 10:15, 139:18, 139:23
pin ^[6] - 38:2, 38:4, 38:6, 38:7, 38:9
pinpoint ^[1] - 22:20

place ^[4] - 57:2, 85:5, 92:15, 142:1
Place ^[4] - 38:3, 40:19, 113:2, 113:7
placed ^[2] - 99:16, 137:25
Plaintiff ^[2] - 1:3, 1:10
plan ^[5] - 104:10, 130:12, 130:15, 130:20, 186:13
planned ^[1] - 104:11
plans ^[1] - 104:8
plastic ^[2] - 8:7, 122:3
play ^[6] - 50:15, 105:12, 106:25, 178:1, 178:4, 192:23
played ^[10] - 50:17, 50:20, 50:24, 106:3, 107:2, 107:10, 117:25, 118:7, 118:18, 192:17
playing ^[1] - 117:20
plea ^[22] - 127:23, 128:3, 129:25, 130:3, 130:5, 130:24, 131:1, 132:3, 132:10, 132:18, 134:5, 134:12, 134:14, 135:5, 135:8, 135:14, 136:4, 183:7, 183:10, 184:5, 184:12, 187:7
plead ^[3] - 127:12, 127:14, 128:13
pleasure ^[1] - 201:2
pled ^[3] - 126:20, 127:8, 130:4
plural ^[1] - 74:24
pocket ^[2] - 119:19, 166:21
Point ^[1] - 89:25
point ^[60] - 5:5, 6:3, 6:20, 8:2, 8:18, 11:1, 11:3, 11:10, 16:1, 17:13, 22:8, 51:8, 51:14, 52:4, 60:24, 61:25, 62:8, 75:21, 75:25, 76:3, 83:24, 84:4, 85:10, 100:7, 108:3, 116:3, 119:6, 130:10, 130:22, 131:3, 131:8, 131:19, 139:8, 140:3, 143:19, 146:19, 147:3, 147:15, 147:22, 148:6, 150:18, 151:7, 153:22, 160:16, 164:10,

<p>165:12, 171:8, 173:25, 175:9, 175:11, 176:1, 177:14, 179:17, 180:11, 193:4, 199:3, 199:22, 199:25, 200:25, 201:4 pole [1] - 38:17 police [6] - 126:10, 155:12, 156:22, 156:24, 157:10, 164:6 Police [2] - 152:24, 163:21 Poo [1] - 119:2 population [1] - 31:18 portion [3] - 22:25, 23:23, 124:21 position [1] - 131:25 positive [1] - 178:15 possession [1] - 107:25 possibility [1] - 184:7 possibly [2] - 138:18, 144:14 post [3] - 138:5, 150:5, 162:8 posted [1] - 138:3 postings [1] - 163:10 potential [1] - 186:16 potentially [2] - 76:4, 187:13 Powell [8] - 38:6, 51:23, 52:16, 102:5, 104:24, 105:3, 190:11, 190:15 power [4] - 26:2, 84:2, 84:4, 84:16 powered [8] - 25:15, 57:2, 83:23, 84:19, 84:23, 85:2, 85:4, 85:9 PowerPoint [11] - 25:2, 26:19, 28:24, 30:11, 33:23, 43:16, 44:10, 56:17, 63:24, 65:23, 66:4 precautions [1] - 101:1 prejudice [1] - 197:1 preliminary [1] - 2:8 prepaid [1] - 47:19 prepare [1] - 25:2 prescription [1] - 139:17 Present [1] - 1:16 present [1] - 168:7 presented [1] - 23:1 presenter [1] - 22:24</p>	<p>Presiding [3] - 18:21, 100:24, 101:3 presiding [3] - 2:5, 62:18, 99:14 pretty [9] - 23:2, 73:15, 122:3, 137:18, 175:18, 176:12, 186:21, 188:10, 195:19 previous [1] - 170:9 previously [1] - 23:19 primarily [1] - 20:8 Prince [2] - 20:2, 24:16 prison [2] - 143:20, 191:10 problem [1] - 199:10 problems [3] - 10:12, 148:11, 196:10 proceed [6] - 4:2, 19:6, 24:1, 99:18, 101:12, 132:22 proceeding [1] - 130:12 proceedings [1] - 202:21 Proctor [4] - 181:5, 181:22, 181:24, 183:14 professional [1] - 16:17 proffer [2] - 182:21, 185:9 project [2] - 22:20, 143:9 Project [1] - 15:10 projects [1] - 123:8 Projects [9] - 88:25, 89:2, 89:3, 89:6, 89:14, 89:15, 89:18, 89:24, 143:6 promised [1] - 198:9 promises [1] - 134:23 promptly [4] - 99:9, 100:4, 186:8, 186:25 proper [1] - 145:2 properly [1] - 25:19 prosecuting [2] - 136:16, 187:14 prosecution [1] - 185:8 prosecutors [5] - 126:11, 169:16, 170:18, 178:24, 181:22 protecting [4] - 126:22, 126:25, 127:2 provide [4] - 18:19, 21:23, 29:22, 47:17</p>	<p>provided [7] - 22:16, 33:14, 36:15, 67:14, 75:25, 76:1, 102:3 providers [1] - 21:9 proximity [1] - 44:17 public [3] - 18:20, 26:8, 100:25 pull [6] - 19:3, 101:9, 151:10, 151:17, 151:19, 152:1 pulled [6] - 18:22, 101:3, 151:7, 151:13, 152:4, 157:12 punch [1] - 152:11 purchase [1] - 149:1 purchased [1] - 139:12 purple [3] - 38:7, 75:22, 76:13 purposes [7] - 14:11, 105:11, 106:25, 118:6, 128:21, 133:7, 133:11 PURPURA [27] - 23:8, 42:11, 76:24, 77:1, 79:25, 80:3, 88:15, 88:17, 88:18, 91:5, 91:7, 91:9, 94:5, 96:15, 97:3, 98:3, 98:6, 98:17, 185:23, 186:1, 186:15, 186:18, 200:2, 200:5, 200:7, 200:11, 200:13 Purpura [10] - 1:15, 76:23, 91:4, 94:8, 95:4, 98:2, 131:24, 132:6, 185:24, 202:6 purse [2] - 151:5, 151:21 put [22] - 21:9, 22:3, 22:22, 25:5, 31:16, 36:18, 47:3, 52:12, 55:15, 74:4, 75:13, 76:15, 79:21, 81:7, 100:7, 120:15, 121:12, 124:14, 124:21, 180:25, 192:24, 197:4 putting [5] - 43:25, 80:4, 89:22, 94:14, 150:9</p>	<p>98:17, 101:4, 123:20, 130:20, 174:20, 176:12, 192:22, 199:11 quicker [1] - 133:21 quickly [4] - 53:4, 53:6, 84:25, 199:4 quite [3] - 83:13, 139:22, 186:19 quotation [1] - 202:15 quote [1] - 202:16 quote/unquote [1] - 149:3</p>	<p>realm [1] - 10:25 rearview [1] - 6:4 reason [4] - 11:13, 35:9, 78:9, 130:22 reasonable [2] - 199:22, 200:1 reasons [4] - 40:24, 54:18, 56:25, 66:1 receive [7] - 25:22, 26:25, 27:12, 37:5, 85:17, 134:24, 135:1 received [3] - 29:5, 49:11, 167:9 receives [1] - 27:5 receiving [2] - 56:22 reception [2] - 143:16 recess [9] - 62:13, 62:14, 62:16, 99:10, 99:11, 186:4, 186:5, 186:7 recognize [5] - 102:8, 106:17, 111:24, 134:5, 138:7 recollection [5] - 13:10, 14:19, 160:2, 193:5, 193:21 record [17] - 3:23, 18:15, 40:5, 49:13, 60:15, 73:8, 84:18, 84:20, 95:9, 97:2, 100:20, 103:9, 107:3, 118:8, 132:16, 134:4, 202:20 recorded [8] - 25:25, 50:11, 87:14, 87:22, 105:16, 105:17, 159:12, 191:14 recording [14] - 50:17, 50:20, 50:24, 74:3, 85:10, 105:14, 106:3, 107:2, 107:10, 117:23, 117:25, 118:7, 118:18, 199:14 recordings [3] - 2:15, 197:3, 199:7 records [65] - 20:22, 21:8, 21:14, 21:22, 21:23, 22:7, 23:6, 24:5, 24:7, 24:8, 24:9, 24:24, 24:25, 25:25, 29:19, 29:21, 29:23, 29:25, 30:8, 32:1, 32:11, 34:1, 34:15, 35:15, 35:20, 35:25, 36:9, 36:20, 36:24, 39:19, 39:23, 40:4, 42:15, 43:10, 46:23, 47:4, 47:5,</p>
R				
<p>radio [6] - 21:18, 27:1, 27:2, 27:4, 27:5, 27:7 radiofrequency [1] - 21:17 radius [4] - 73:15, 75:24, 76:1 rainbow [3] - 120:8, 121:20, 121:22 raise [2] - 18:9, 185:23 ran [1] - 136:24 range [6] - 37:6, 40:3, 41:25, 54:10, 72:20, 74:20 ranting [1] - 164:8 rather [1] - 152:18 RDB-20-139 [1] - 1:3 re [4] - 3:4, 3:7, 3:16, 3:22 re-state [1] - 3:22 re-swear [2] - 3:4, 3:16 re-swearing [1] - 3:7 reach [1] - 26:11 reaches [1] - 22:5 react [1] - 121:11 read [10] - 14:15, 14:18, 21:8, 22:7, 130:21, 159:20, 172:11, 172:21, 172:24, 192:12 Readiness [1] - 22:23 ready [5] - 2:6, 3:3, 3:15, 199:9, 199:18 real [3] - 22:6, 139:25, 150:12 realize [1] - 200:21 realized [1] - 154:11 really [14] - 26:21, 30:9, 35:18, 53:20, 74:5, 145:2, 149:16, 150:3, 157:25, 160:25, 162:3, 176:14, 187:23</p>				
Q				
<p>qualified [3] - 23:16, 23:20, 23:24 questions [12] - 13:23, 76:21, 94:6, 97:25,</p>				

<p>47:6, 49:12, 49:15, 55:12, 56:2, 58:18, 58:19, 60:3, 63:21, 68:9, 68:11, 83:5, 83:10, 83:13, 83:17, 84:8, 84:11, 84:22, 84:23, 84:25, 85:7, 85:18, 86:2, 87:14, 87:23, 95:5</p> <p>recross [1] - 16:25</p> <p>red [9] - 27:25, 29:16, 33:22, 38:2, 50:3, 73:21, 75:16, 91:7, 91:8</p> <p>Redirect [1] - 13:17</p> <p>redirect [3] - 2:13, 16:25, 94:9</p> <p>refer [3] - 102:24, 107:19, 119:1</p> <p>reference [4] - 55:14, 107:22, 118:22, 123:7</p> <p>referring [3] - 87:2, 88:4, 109:1</p> <p>reflect [3] - 49:9, 103:9, 202:16</p> <p>reflected [10] - 39:13, 42:5, 52:22, 59:23, 61:17, 65:13, 65:23, 66:21, 71:1, 94:15</p> <p>reflective [1] - 28:13</p> <p>reflects [5] - 28:14, 28:15, 49:10, 194:2</p> <p>refresh [3] - 14:19, 160:2, 193:20</p> <p>refreshes [1] - 194:2</p> <p>refreshing [1] - 193:5</p> <p>regard [3] - 150:25, 166:7, 174:15</p> <p>regarding [2] - 126:4, 178:11</p> <p>regardless [1] - 35:12</p> <p>registers [1] - 34:7</p> <p>regular [3] - 163:5, 163:6, 163:7</p> <p>rehearsal [3] - 186:10, 198:8, 198:12</p> <p>reject [1] - 23:23</p> <p>related [4] - 67:9, 103:12, 106:8</p> <p>relating [3] - 162:25, 180:5, 182:4</p> <p>relation [1] - 109:13</p> <p>relationship [3] - 103:16, 103:18, 142:15</p> <p>relative [1] - 102:24</p> <p>release [1] - 184:7</p> <p>relent [1] - 5:5</p> <p>relevant [1] - 48:1</p>	<p>remain [2] - 18:8, 66:14</p> <p>remains [1] - 72:6</p> <p>remember [55] - 9:9, 9:12, 9:15, 9:16, 10:20, 11:19, 12:4, 12:5, 12:11, 14:2, 14:5, 15:6, 17:8, 138:6, 139:17, 152:25, 153:4, 154:17, 157:18, 158:24, 159:5, 160:9, 162:25, 163:19, 171:20, 171:22, 171:23, 181:21, 183:11, 188:17, 189:1, 191:3, 191:6, 192:14, 193:8, 193:10, 193:15, 193:16, 193:19, 193:20, 193:22, 193:23, 194:8, 194:23, 194:25, 195:3, 195:5, 195:15, 195:17, 195:19, 195:23, 196:3, 196:12, 196:13, 196:16</p> <p>remind [1] - 68:18</p> <p>reminder [1] - 46:18</p> <p>rent [2] - 153:16, 153:17</p> <p>repeat [3] - 109:14, 117:13, 147:6</p> <p>repeated [1] - 54:8</p> <p>rephrase [8] - 97:4, 108:21, 168:14, 168:15, 168:16, 168:18, 168:20, 189:11</p> <p>reply [1] - 56:10</p> <p>repole [1] - 32:22</p> <p>report [3] - 25:7, 25:10, 27:19</p> <p>Reported [1] - 1:22</p> <p>reported [6] - 50:17, 50:20, 50:24, 106:3, 107:2, 107:10</p> <p>REPORTER [2] - 198:2, 202:15</p> <p>Reporter [2] - 1:24, 202:24</p> <p>represent [2] - 37:23, 69:21</p> <p>representative [1] - 29:16</p> <p>represented [4] - 38:2, 38:3, 38:5, 38:7</p> <p>represents [2] - 38:8,</p>	<p>38:10</p> <p>request [2] - 74:13, 75:4</p> <p>requested [4] - 21:24, 83:9, 84:22, 84:25</p> <p>required [3] - 34:8, 73:6, 73:7</p> <p>reseller [1] - 47:15</p> <p>resemblance [1] - 15:5</p> <p>residence [14] - 38:4, 38:6, 44:18, 44:25, 51:11, 51:16, 51:23, 52:16, 53:9, 66:13, 66:17, 70:23, 71:7, 75:23</p> <p>respect [12] - 39:5, 40:20, 41:8, 57:9, 60:1, 70:19, 74:22, 75:12, 121:22, 130:6, 160:2, 199:12</p> <p>respond [1] - 172:25</p> <p>responded [1] - 189:13</p> <p>response [1] - 13:23</p> <p>result [1] - 75:21</p> <p>resulted [2] - 101:19, 127:15</p> <p>resumes [4] - 3:9, 62:17, 99:13, 133:15</p> <p>retrieve [1] - 124:5</p> <p>return [1] - 74:17</p> <p>returned [4] - 74:10, 75:9, 75:20, 75:22</p> <p>revealed [1] - 173:12</p> <p>reverse [1] - 78:19</p> <p>review [4] - 24:24, 34:12, 34:15, 72:24</p> <p>reviewed [1] - 37:14</p> <p>reviewing [1] - 14:20</p> <p>RICARDO [1] - 1:5</p> <p>Richard [3] - 2:4, 62:18, 99:14</p> <p>RICHARD [1] - 1:8</p> <p>Richardson [2] - 180:16, 180:17</p> <p>Richmond [1] - 32:19</p> <p>rid [3] - 102:3, 134:17, 134:20</p> <p>ride [13] - 4:10, 5:2, 6:5, 6:25, 7:1, 9:22, 9:25, 178:11, 178:17, 178:20, 178:22, 182:4</p> <p>right-hand [1] - 54:13</p> <p>rise [8] - 3:10, 62:14, 62:23, 99:11, 99:24, 186:5, 186:22, 201:10</p> <p>road [2] - 31:7, 143:23</p>	<p>Road [3] - 34:11, 37:25, 40:19</p> <p>roads [1] - 31:9</p> <p>rob [2] - 9:13, 182:6</p> <p>robberies [1] - 20:9</p> <p>robbery [2] - 20:8, 125:1</p> <p>robbing [1] - 9:15</p> <p>Robert [1] - 1:19</p> <p>Rockville [2] - 19:25, 20:5</p> <p>role [3] - 22:15, 127:23, 128:7</p> <p>roles [1] - 128:10</p> <p>roll [1] - 32:9</p> <p>romantically [1] - 146:20</p> <p>room [4] - 116:20, 129:10, 200:17, 200:23</p> <p>roughly [2] - 79:15, 114:2</p> <p>Route [5] - 90:4, 90:6, 91:11, 98:13, 98:16</p> <p>route [6] - 81:4, 90:14, 90:15, 90:16, 90:22, 189:22</p> <p>routed [7] - 32:10, 56:8, 60:25, 61:1, 61:24, 85:6</p> <p>routine [2] - 149:9, 149:12</p> <p>row [8] - 35:3, 35:4, 35:5, 59:18, 65:8, 65:12, 65:18, 67:2</p> <p>Row [4] - 57:23, 65:15</p> <p>Rows [1] - 46:12</p> <p>rows [3] - 56:12, 65:4, 95:13</p> <p>RPR [2] - 1:23, 202:19</p> <p>Rule [1] - 3:2</p> <p>rule [1] - 192:23</p> <p>rules [2] - 100:24, 197:8</p> <p>ruling [1] - 3:1</p> <p>rumor [4] - 154:14, 154:17, 154:18, 156:10</p> <p>rumors [4] - 161:10, 161:12, 162:21, 162:25</p> <p>run [2] - 90:19, 121:2</p> <p>runaway [1] - 195:20</p> <p>running [1] - 36:14</p> <p>runs [1] - 90:16</p> <p>Ruter [4] - 175:24, 176:4, 176:24, 177:23</p>	<p>S</p> <p>S430 [1] - 15:19</p> <p>safer [1] - 125:13</p> <p>salary [1] - 140:1</p> <p>sales [1] - 9:17</p> <p>satisfied [2] - 180:8, 181:12</p> <p>Saturday [1] - 198:9</p> <p>saw [11] - 11:6, 48:12, 57:19, 63:14, 63:22, 77:14, 77:19, 87:22, 140:6, 140:9, 182:13</p> <p>scan [1] - 25:15</p> <p>scanning [3] - 25:16, 26:12, 26:16</p> <p>scans [1] - 26:3</p> <p>scared [3] - 194:25, 195:8, 195:13</p> <p>scene [3] - 74:16, 115:24, 195:20</p> <p>schedule [1] - 199:19</p> <p>scheduling [7] - 133:7, 133:11, 187:1, 197:21, 197:24, 199:2, 199:15</p> <p>school [2] - 4:20, 116:14</p> <p>screamed [1] - 155:9</p> <p>screaming [1] - 164:8</p> <p>screen [10] - 45:17, 51:19, 96:24, 102:6, 111:22, 157:18, 157:20, 192:25, 197:11, 197:16</p> <p>screw [1] - 186:11</p> <p>scroll [1] - 60:18</p> <p>Seaford [4] - 70:2, 70:3, 78:25, 79:6</p> <p>sealed [5] - 130:6, 130:25, 131:2, 132:4, 132:18</p> <p>search [4] - 164:14, 164:16, 164:18, 164:21</p> <p>seat [6] - 3:20, 5:20, 6:7, 6:24, 18:13, 100:18</p> <p>seated [7] - 63:4, 63:5, 100:3, 133:22, 187:3, 199:3</p> <p>second [18] - 17:9, 17:10, 21:20, 27:13, 28:17, 46:23, 60:15, 74:14, 79:3, 79:10, 87:15, 87:19, 87:21, 118:11, 119:25, 129:5, 142:11, 171:4</p> <p>seconds [19] - 32:14,</p>
---	--	--	--	--

<p>45:16, 46:4, 50:16, 50:19, 58:1, 59:20, 60:17, 61:16, 61:17, 63:19, 65:22, 81:12, 81:16, 81:19, 81:20, 87:12</p> <p>section [2] - 20:16, 41:24</p> <p>sector [62] - 25:17, 25:18, 25:22, 25:23, 25:25, 26:3, 27:25, 29:3, 29:7, 29:11, 30:5, 30:12, 30:20, 33:2, 33:16, 33:17, 33:19, 40:25, 41:1, 41:2, 41:5, 41:6, 41:12, 42:8, 42:17, 42:18, 43:1, 43:3, 43:7, 43:19, 44:16, 45:2, 45:19, 51:9, 51:10, 52:6, 52:10, 53:3, 54:9, 54:15, 54:16, 55:4, 57:12, 57:15, 57:16, 68:4, 71:5, 87:16, 88:5, 88:12, 93:16, 93:17, 94:1, 95:23, 96:1, 96:2</p> <p>sectors [13] - 27:18, 27:23, 33:22, 40:21, 41:3, 41:5, 41:14, 44:24, 45:5, 45:20, 85:24, 89:1, 89:4</p> <p>secured [1] - 83:17</p> <p>see [57] - 3:14, 4:15, 6:7, 6:9, 6:12, 6:13, 11:24, 16:18, 26:22, 27:19, 27:25, 29:25, 30:25, 31:25, 32:8, 34:5, 39:9, 54:5, 54:13, 55:11, 56:9, 63:15, 71:16, 73:19, 73:22, 73:23, 73:24, 75:23, 78:18, 79:9, 79:15, 80:19, 87:18, 94:22, 97:14, 99:5, 100:5, 111:22, 113:11, 114:7, 114:10, 121:4, 123:17, 123:18, 128:23, 134:22, 146:20, 146:23, 153:19, 163:13, 171:1, 181:25, 183:17, 192:5, 197:5, 197:11</p> <p>seeing [8] - 41:3, 48:15, 48:18, 64:2, 96:11, 147:15, 196:3, 196:16</p>	<p>seek [2] - 74:24, 131:10</p> <p>seeking [3] - 129:20, 132:8, 132:10</p> <p>seem [4] - 4:9, 4:24, 199:22, 200:1</p> <p>sees [6] - 25:18, 26:6, 41:5, 41:6, 86:4, 87:16</p> <p>select [2] - 47:23, 47:25</p> <p>selected [3] - 21:6, 21:12, 21:16</p> <p>sell [2] - 139:20, 179:13</p> <p>selling [5] - 125:23, 139:10, 139:22, 140:10, 158:21</p> <p>send [1] - 27:10</p> <p>sense [1] - 99:5</p> <p>sent [1] - 75:17</p> <p>sentence [4] - 108:4, 134:24, 135:1, 187:17</p> <p>sentencing [3] - 200:18, 200:19, 200:20</p> <p>separate [1] - 131:13</p> <p>September [2] - 181:4, 181:19</p> <p>serial [1] - 75:6</p> <p>seriously [1] - 175:18</p> <p>service [2] - 57:3, 85:5</p> <p>serviced [1] - 68:12</p> <p>session [3] - 2:4, 62:17, 99:13</p> <p>set [6] - 24:7, 31:19, 73:6, 74:11, 85:23, 195:17</p> <p>sets [2] - 24:8, 24:9</p> <p>settled [1] - 181:1</p> <p>setup [1] - 86:14</p> <p>seven [1] - 193:11</p> <p>several [1] - 4:22</p> <p>sewing [1] - 145:22</p> <p>sex [3] - 144:17, 154:15, 165:12</p> <p>sexual [1] - 103:18</p> <p>shaded [9] - 29:6, 29:7, 29:8, 29:16, 30:13, 30:14, 88:4, 88:5, 88:11</p> <p>shape [2] - 11:17, 27:14</p> <p>shapes [1] - 27:20</p> <p>share [1] - 38:16</p> <p>Shawn [19] - 117:6, 117:16, 118:3, 118:21, 190:17, 190:25, 191:8,</p>	<p>191:10, 192:15, 193:16, 193:23, 194:11, 194:13, 194:20, 195:1, 195:15, 195:23, 196:7, 196:13</p> <p>sheriff's [1] - 19:19</p> <p>Sheriff's [1] - 19:21</p> <p>shine [1] - 88:9</p> <p>shining [3] - 28:13, 29:12, 29:13</p> <p>shirt [3] - 103:7, 124:13, 124:14</p> <p>shoot [1] - 101:23</p> <p>Shore [7] - 68:25, 70:11, 77:21, 78:21, 79:11</p> <p>short [7] - 5:24, 12:22, 12:23, 79:1, 90:14, 186:7, 196:22</p> <p>Short [1] - 62:16</p> <p>shorter [1] - 198:14</p> <p>shortly [3] - 107:8, 109:20, 163:20</p> <p>shots [1] - 101:6</p> <p>show [23] - 8:14, 12:12, 30:10, 31:21, 34:4, 34:18, 35:14, 40:15, 46:11, 79:21, 79:22, 80:16, 86:1, 91:24, 123:16, 130:15, 137:6, 138:14, 159:14, 163:18, 172:10, 191:16, 191:21</p> <p>showed [4] - 11:22, 38:21, 71:2, 72:19</p> <p>showing [26] - 38:15, 39:14, 39:16, 40:16, 40:18, 41:11, 42:6, 52:23, 54:11, 70:19, 70:21, 71:2, 71:5, 71:23, 72:9, 72:11, 85:20, 90:24, 102:6, 102:18, 106:16, 111:21, 113:3, 113:11, 134:4, 196:20</p> <p>shown [7] - 42:8, 42:18, 54:9, 71:24, 85:6, 137:21, 160:1</p> <p>shows [1] - 30:12</p> <p>sic [1] - 93:24</p> <p>sick [1] - 116:15</p> <p>side [24] - 5:21, 5:22, 27:21, 28:19, 28:20, 38:9, 38:19, 38:20, 43:21, 46:6, 52:6, 52:8, 52:25, 54:13, 73:20, 86:7, 86:9,</p>	<p>90:9, 90:13, 91:14, 91:15, 96:8, 131:10, 132:21</p> <p>sides [1] - 27:18</p> <p>sight [1] - 28:23</p> <p>signal [19] - 26:4, 26:7, 26:17, 26:25, 27:4, 27:5, 27:10, 28:15, 28:20, 31:3, 31:5, 31:8, 64:3, 86:4, 86:25, 87:17, 87:19, 88:7</p> <p>signals [3] - 27:12, 73:24, 73:25</p> <p>signature [2] - 130:16, 134:8</p> <p>signatures [1] - 134:7</p> <p>signed [6] - 128:12, 128:18, 183:10, 185:9, 187:8</p> <p>significantly [1] - 96:9</p> <p>SIM [1] - 35:11</p> <p>similar [4] - 12:21, 32:22, 47:16, 173:12</p> <p>simple [2] - 28:18, 190:7</p> <p>simply [2] - 85:12, 130:15</p> <p>single [2] - 47:22, 67:6</p> <p>singular [1] - 74:23</p> <p>sissy [1] - 152:7</p> <p>sister [1] - 162:1</p> <p>sit [1] - 169:15</p> <p>site [26] - 22:19, 23:17, 34:1, 34:12, 34:15, 36:1, 37:1, 37:6, 37:7, 37:13, 42:20, 42:23, 46:21, 47:5, 49:16, 55:2, 56:8, 58:24, 62:1, 64:12, 65:24, 66:1, 66:11, 72:23, 95:19, 97:21</p> <p>site's [1] - 49:19</p> <p>sites [2] - 42:15, 62:4</p> <p>sitting [6] - 15:2, 26:13, 89:3, 107:21, 107:24, 108:12</p> <p>situation [2] - 87:6, 87:15</p> <p>situations [2] - 84:16, 84:20</p> <p>six [1] - 114:4</p> <p>skills [1] - 145:22</p> <p>skin [4] - 6:16, 6:17, 6:21, 11:16</p> <p>slang [3] - 8:22, 8:23, 9:3</p> <p>sleep [1] - 155:10</p> <p>sleeping [2] - 145:10,</p>	<p>156:13</p> <p>sleeps [1] - 145:3</p> <p>slept [1] - 165:15</p> <p>Slide [2] - 44:10, 49:24</p> <p>slide [32] - 37:20, 37:21, 38:14, 41:9, 41:10, 44:13, 52:13, 52:15, 53:6, 53:7, 54:6, 54:8, 54:9, 54:10, 57:18, 59:4, 66:22, 68:14, 69:2, 69:21, 71:1, 71:2, 71:16, 71:22, 72:8, 75:14, 93:22, 94:19, 95:22, 96:25, 97:2</p> <p>slides [4] - 41:25, 53:7, 93:2, 94:15</p> <p>slight [1] - 61:20</p> <p>slightly [1] - 45:6</p> <p>small [2] - 146:10, 158:21</p> <p>SMS [2] - 49:8</p> <p>snapshot [1] - 15:8</p> <p>snip [1] - 69:8</p> <p>so.. [2] - 148:21, 150:14</p> <p>social [1] - 163:10</p> <p>sold [3] - 125:20, 125:25, 139:15</p> <p>sole [1] - 141:10</p> <p>someone [11] - 9:13, 48:3, 84:5, 85:12, 89:23, 135:25, 136:2, 145:3, 145:11, 145:13, 170:8</p> <p>someplace [2] - 40:25, 41:1</p> <p>sometime [1] - 158:3</p> <p>sometimes [8] - 30:7, 30:8, 34:8, 40:24, 43:24, 85:25, 143:17, 148:22</p> <p>somewhat [1] - 149:12</p> <p>somewhere [25] - 27:3, 30:21, 30:22, 32:17, 32:21, 41:2, 41:7, 41:13, 45:20, 62:6, 64:4, 66:2, 78:6, 78:20, 78:24, 79:14, 79:15, 88:11, 89:6, 89:11, 91:11, 96:10, 138:11, 140:1</p> <p>son [12] - 4:10, 4:12, 4:14, 4:16, 106:9, 116:7, 116:10, 137:2, 141:8, 141:10, 161:9,</p>
---	--	---	---	---

<p>183:22</p> <p>sorry [22] - 15:17, 16:20, 35:21, 48:24, 59:7, 59:8, 69:4, 88:14, 91:2, 91:3, 97:14, 111:21, 118:9, 118:11, 129:7, 133:9, 133:25, 137:10, 182:5, 185:24, 189:15, 192:1</p> <p>sort [6] - 22:11, 31:12, 45:24, 54:5, 54:12, 144:8</p> <p>south [6] - 33:20, 53:1, 66:19, 71:18, 80:10, 80:21</p> <p>South [6] - 19:20, 20:13, 20:14, 24:19, 34:25, 38:4</p> <p>southeast [1] - 69:7</p> <p>Southern [1] - 24:20</p> <p>space [2] - 31:1, 87:11</p> <p>span [1] - 98:7</p> <p>Spartanburg [1] - 19:20</p> <p>speaker [1] - 26:23</p> <p>speaking [2] - 18:13, 100:19</p> <p>Special [9] - 1:16, 1:17, 165:24, 166:19, 167:23, 169:16, 170:17, 177:2, 181:21</p> <p>special [5] - 19:12, 20:20, 138:22, 138:25, 142:1</p> <p>specialize [1] - 20:21</p> <p>specific [7] - 22:4, 74:2, 82:12, 82:14, 82:15, 89:12, 199:11</p> <p>specifically [6] - 40:6, 47:8, 86:22, 86:23, 89:2, 96:4</p> <p>specificity [1] - 73:11</p> <p>specify [1] - 4:18</p> <p>spell [2] - 18:14, 100:20</p> <p>spend [3] - 11:2, 11:14, 111:7</p> <p>spent [1] - 153:25</p> <p>spoken [2] - 170:20, 183:13</p> <p>spotty [1] - 143:17</p> <p>spring [1] - 143:19</p> <p>Sprint [10] - 21:21, 32:1, 33:14, 33:17, 39:2, 39:11, 39:15, 40:7, 47:15, 49:18</p> <p>Sprint's [1] - 33:4</p>	<p>squad [1] - 20:6</p> <p>squeeze [2] - 110:18, 110:19</p> <p>stairs [2] - 113:11, 113:18</p> <p>stamps [2] - 141:2, 149:7</p> <p>stand [12] - 3:7, 3:9, 17:24, 88:9, 98:23, 99:10, 99:18, 100:14, 129:18, 133:15, 144:13, 198:23</p> <p>standby [1] - 109:4</p> <p>standing [4] - 18:8, 18:18, 29:12, 100:24</p> <p>stands [5] - 62:14, 99:11, 186:5, 201:9, 201:10</p> <p>stapled [1] - 131:5</p> <p>Starbucks [2] - 73:20, 73:23</p> <p>start [19] - 31:6, 32:13, 42:1, 48:14, 56:13, 56:14, 58:13, 60:4, 60:5, 83:6, 99:9, 145:13, 154:20, 190:11, 197:25, 198:5, 198:6, 198:13, 198:15</p> <p>started [5] - 10:20, 50:9, 121:13, 142:15, 155:1</p> <p>starting [11] - 37:25, 42:25, 44:3, 46:10, 52:5, 58:4, 60:8, 65:8, 77:25, 99:5, 102:18</p> <p>starts [11] - 43:2, 51:19, 69:14, 70:2, 73:12, 78:19, 79:14, 80:10, 91:14, 91:21, 97:9</p> <p>state [3] - 3:22, 18:14, 100:20</p> <p>statement [18] - 105:14, 130:1, 130:7, 131:3, 131:12, 131:17, 132:2, 132:18, 160:4, 163:24, 164:13, 164:24, 165:20, 166:5, 172:19, 172:20, 174:7, 174:8</p> <p>statements [1] - 170:10</p> <p>States [4] - 2:3, 128:12, 187:13, 189:6</p>	<p>STATES [3] - 1:1, 1:3, 1:8</p> <p>station [2] - 27:3, 27:6</p> <p>stationary [1] - 89:9</p> <p>statute [1] - 184:16</p> <p>stay [6] - 112:12, 114:5, 114:22, 125:3, 141:23, 197:22</p> <p>stayed [1] - 146:17</p> <p>stays [1] - 69:6</p> <p>steak [1] - 149:5</p> <p>steering [2] - 151:22, 151:24</p> <p>stenographic [1] - 202:20</p> <p>stenotype [1] - 1:21</p> <p>step [3] - 10:12, 17:22, 98:21</p> <p>step-up [1] - 10:12</p> <p>steps [1] - 89:3</p> <p>still [22] - 4:1, 9:1, 20:11, 20:13, 35:14, 44:6, 52:20, 81:10, 84:18, 87:18, 87:21, 153:8, 153:10, 169:16, 169:24, 176:21, 179:16, 181:8, 181:10, 182:18, 187:2, 200:11</p> <p>stipulate [1] - 23:8</p> <p>stipulation [3] - 127:25, 130:8, 131:4</p> <p>stipulations [1] - 130:9</p> <p>stole [1] - 125:21</p> <p>stop [17] - 7:1, 63:2, 79:3, 92:5, 92:13, 92:15, 100:4, 110:2, 133:1, 145:24, 186:13, 186:25, 189:20, 189:21, 197:20, 198:10, 198:11</p> <p>stopping [1] - 186:8</p> <p>stops [3] - 92:5, 110:1, 110:4</p> <p>store [6] - 54:20, 145:24, 149:1, 160:16, 166:20, 168:3</p> <p>story [2] - 90:13, 176:14</p> <p>street [5] - 38:19, 38:20, 73:20, 108:5, 156:19</p> <p>Street [7] - 1:24, 38:7, 90:9, 90:13, 123:5, 123:7, 157:9</p>	<p>streets [3] - 7:12, 195:10, 195:12</p> <p>strength [3] - 41:3, 45:5, 96:12</p> <p>strike [5] - 7:24, 79:3, 181:9, 195:3, 196:12</p> <p>strongest [8] - 25:18, 26:4, 26:16, 31:8, 41:5, 64:3, 86:4, 87:17</p> <p>structure [1] - 27:15</p> <p>stuck [1] - 5:1</p> <p>stuff [3] - 6:13, 8:11, 11:13</p> <p>subject [1] - 169:1</p> <p>submit [1] - 34:8</p> <p>subscribed [1] - 35:22</p> <p>subscriber [10] - 34:6, 34:9, 34:13, 34:20, 34:22, 34:24, 36:12, 47:12, 47:13, 47:17</p> <p>subsequent [1] - 197:1</p> <p>substance [2] - 165:21, 179:3</p> <p>substantive [1] - 50:16</p> <p>subtract [1] - 36:23</p> <p>succinctly [1] - 52:12</p> <p>suffice [1] - 140:20</p> <p>suggesting [2] - 175:15, 179:23</p> <p>sum [2] - 165:20, 179:3</p> <p>summons [1] - 167:9</p> <p>supermarket [1] - 8:7</p> <p>supplement [6] - 130:6, 130:25, 131:2, 132:4, 132:18, 134:8</p> <p>support [1] - 141:10</p> <p>supposed [1] - 181:20</p> <p>Supreme [1] - 129:24</p> <p>Survey [3] - 20:19, 23:16, 25:7</p> <p>sustain [1] - 97:4</p> <p>Sustained [1] - 189:19</p> <p>sustained [10] - 96:16, 97:4, 168:16, 174:14, 189:11, 189:15, 189:16, 190:2</p> <p>swear [2] - 3:4, 3:16</p> <p>swearing [1] - 3:7</p> <p>swirling [1] - 162:21</p> <p>switched [1] - 40:22</p> <p>switches [1] - 61:1</p> <p>sworn [5] - 3:18, 18:10, 99:18, 100:14, 100:15</p>	<p>system [2] - 73:4, 73:5</p> <p style="text-align: center;">T</p> <p>T's [1] - 130:23</p> <p>T-Mobile [7] - 21:21, 35:21, 36:6, 37:23, 38:16, 38:19, 38:22</p> <p>tall [3] - 86:11, 86:14, 86:15</p> <p>tape [3] - 105:13, 199:7, 199:12</p> <p>tapes [3] - 196:20, 196:21, 199:9</p> <p>target [3] - 175:12, 175:14, 199:22</p> <p>Tariek [17] - 102:5, 104:24, 105:3, 105:4, 105:7, 106:6, 106:9, 106:12, 106:20, 107:13, 108:6, 108:23, 109:3, 109:16, 178:1, 190:11, 190:12</p> <p>Tarrell [19] - 104:23, 105:3, 105:8, 106:6, 106:10, 106:11, 106:22, 108:23, 109:9, 110:15, 110:16, 111:6, 111:7, 124:16, 124:23, 125:1, 173:18, 178:1, 190:14</p> <p>task [1] - 20:20</p> <p>taught [3] - 22:20, 22:21, 22:24</p> <p>Team [2] - 20:19, 25:7</p> <p>team [5] - 21:6, 22:13, 22:15, 23:7, 185:8</p> <p>tear [1] - 135:16</p> <p>teasing [1] - 186:12</p> <p>technique [1] - 21:10</p> <p>technology [1] - 78:18</p> <p>teed [1] - 199:8</p> <p>telephone [12] - 23:25, 26:8, 32:1, 32:11, 34:21, 35:21, 36:13, 40:6, 178:8, 178:16, 197:18, 197:19</p> <p>ten [11] - 19:21, 62:12, 81:20, 141:12, 155:17, 169:5, 184:19, 184:20, 185:12, 186:4</p> <p>ten-minute [4] - 62:12, 141:12, 186:4</p> <p>tends [1] - 28:12</p> <p>Teresa [2] - 1:14,</p>
--	--	--	--	---

<p>136:12</p> <p>term [4] - 8:18, 8:23, 108:24, 145:2</p> <p>terms [11] - 8:22, 23:17, 23:25, 41:16, 120:13, 129:25, 130:2, 130:20, 131:3, 131:6, 199:15</p> <p>Terrace [1] - 92:18</p> <p>test [1] - 22:8</p> <p>testified [13] - 3:19, 16:2, 18:11, 24:10, 24:16, 24:18, 24:22, 28:6, 96:13, 100:16, 170:3, 173:16, 175:5</p> <p>testify [11] - 22:8, 128:4, 167:16, 168:10, 168:24, 187:8, 187:12, 190:6, 190:7, 200:8</p> <p>testifying [4] - 19:3, 101:4, 101:10, 128:15</p> <p>testimony [7] - 17:23, 23:23, 98:22, 128:6, 128:9, 172:18, 198:22</p> <p>testing [1] - 22:2</p> <p>Texas [4] - 180:15, 180:16, 180:19, 181:1</p> <p>text [14] - 29:4, 30:7, 30:8, 49:10, 49:13, 49:16, 49:18, 58:13, 58:14, 58:15, 58:16, 58:19, 58:21, 85:17</p> <p>THE [181] - 1:1, 1:1, 1:8, 2:3, 2:6, 2:11, 2:18, 2:20, 2:23, 3:10, 3:12, 3:14, 3:17, 3:20, 3:21, 3:22, 3:24, 3:25, 10:7, 12:15, 12:17, 13:15, 13:16, 14:12, 16:23, 16:25, 17:20, 17:21, 18:1, 18:2, 18:3, 18:4, 18:8, 18:12, 18:13, 18:16, 19:5, 19:6, 23:10, 23:12, 23:15, 25:6, 59:7, 59:10, 59:12, 59:13, 62:8, 62:14, 62:17, 62:19, 62:23, 62:25, 65:6, 76:22, 79:24, 80:2, 88:14, 88:16, 91:3, 91:6, 94:7, 96:16, 97:4, 98:1, 98:4, 98:19, 98:20, 98:21, 98:24,</p>	<p>98:25, 99:11, 99:13, 99:15, 99:20, 99:24, 100:1, 100:3, 100:13, 100:17, 100:18, 100:21, 100:23, 101:8, 101:9, 103:9, 105:13, 105:17, 105:19, 105:22, 107:5, 107:7, 117:22, 118:11, 118:15, 128:23, 129:1, 129:4, 129:7, 129:13, 129:16, 129:18, 130:18, 130:22, 131:15, 131:24, 132:3, 132:15, 132:21, 133:1, 133:9, 133:13, 133:16, 133:19, 133:25, 136:7, 137:9, 137:12, 159:17, 160:1, 160:4, 160:7, 166:10, 166:11, 168:13, 168:15, 168:18, 172:5, 172:8, 172:18, 172:21, 172:24, 174:6, 174:10, 174:14, 185:19, 185:21, 185:24, 186:2, 186:5, 186:8, 186:16, 186:19, 186:22, 186:24, 189:11, 189:15, 189:20, 190:2, 190:6, 190:9, 191:19, 191:25, 192:3, 192:19, 192:22, 193:6, 196:21, 196:23, 197:8, 197:14, 197:17, 198:2, 198:3, 198:4, 198:5, 198:21, 198:25, 199:1, 199:25, 200:3, 200:6, 200:9, 200:12, 200:16, 201:3, 201:6, 201:8, 201:10</p> <p>theory [1] - 21:17</p> <p>thereabouts [2] - 69:25, 198:12</p> <p>therefore [2] - 73:25, 187:12</p> <p>thereof [1] - 33:21</p> <p>they've [2] - 18:24, 101:5</p> <p>thinking [2] - 11:13,</p>	<p>154:19</p> <p>third [3] - 22:2, 137:22, 138:14</p> <p>Thirty [1] - 108:10</p> <p>thoroughfare [1] - 90:6</p> <p>thousand [3] - 24:6, 73:14, 73:15</p> <p>thousands [2] - 24:8</p> <p>threatened [2] - 151:16, 151:18</p> <p>three [26] - 22:22, 24:8, 27:17, 27:18, 28:4, 53:7, 53:12, 55:23, 56:4, 64:16, 64:19, 70:24, 73:12, 74:4, 77:8, 77:9, 82:1, 82:17, 85:23, 85:24, 96:11, 105:7, 111:8, 123:23, 124:2, 147:12</p> <p>three-way [2] - 105:7, 147:12</p> <p>threw [2] - 121:12, 122:11</p> <p>throughout [1] - 67:5</p> <p>throw [1] - 195:16</p> <p>Thursday [5] - 67:25, 68:7, 72:1, 72:2, 72:13</p> <p>Tiera [1] - 188:3</p> <p>Tiera's [2] - 123:10, 165:18</p> <p>Tiffany [18] - 38:4, 44:17, 44:25, 48:9, 51:11, 51:16, 51:20, 53:5, 53:9, 66:13, 67:3, 67:25, 70:23, 71:6, 71:14, 142:23, 143:2, 143:3</p> <p>Tiffany's [12] - 104:3, 104:4, 108:13, 123:6, 123:7, 123:21, 123:24, 124:4, 143:12, 173:15, 173:22</p> <p>tightening [2] - 177:13, 179:19</p> <p>tighter [1] - 179:20</p> <p>timeframe [6] - 84:21, 138:12, 149:19, 151:4, 154:11, 163:24</p> <p>timeline [2] - 46:15, 181:4</p> <p>tiny [1] - 2:10</p> <p>today [9] - 27:2, 62:20, 63:2, 100:4, 128:15, 155:22, 166:17, 186:9, 189:21</p>	<p>today's [1] - 83:9</p> <p>together [6] - 11:14, 131:5, 136:24, 136:25, 153:25</p> <p>toilet [1] - 195:16</p> <p>toll [2] - 47:4, 47:5</p> <p>tolls [3] - 37:5, 72:18, 72:19</p> <p>tomorrow [8] - 189:21, 197:25, 198:5, 198:7, 198:15, 198:23, 199:9, 199:16</p> <p>Tone [23] - 8:21, 102:23, 116:10, 116:12, 116:14, 137:2, 138:15, 138:19, 138:22, 139:5, 162:19, 163:20</p> <p>Tone's [2] - 138:23, 162:19</p> <p>Tony [10] - 146:16, 146:19, 146:25, 147:4, 147:8, 147:12, 147:16, 150:11, 150:19, 154:14</p> <p>Tonya [5] - 38:10, 43:7, 49:3, 67:19, 68:5</p> <p>took [6] - 21:14, 81:4, 124:13, 124:21, 170:7, 175:18</p> <p>top [19] - 26:23, 27:25, 30:21, 33:7, 35:3, 37:25, 41:9, 41:13, 45:11, 45:14, 60:8, 65:12, 69:8, 70:4, 76:16, 80:4, 113:13, 155:25, 191:23</p> <p>topics [1] - 174:12</p> <p>topography [1] - 28:17</p> <p>torn [1] - 135:6</p> <p>total [2] - 7:2, 7:4</p> <p>touching [1] - 124:12</p> <p>towards [11] - 31:2, 42:19, 43:21, 51:17, 51:22, 53:17, 79:11, 81:3, 88:9, 91:16, 115:19</p> <p>tower [125] - 22:4, 22:5, 25:17, 25:18, 25:21, 25:23, 25:25, 26:3, 26:5, 26:6, 26:7, 26:24, 27:4, 27:9, 27:11, 28:7, 28:9, 28:10, 28:19, 28:22, 29:3, 29:10,</p>	<p>29:14, 30:5, 30:7, 30:15, 30:19, 30:23, 30:24, 31:2, 31:3, 31:5, 31:6, 31:15, 32:24, 33:1, 33:6, 33:12, 33:13, 33:16, 36:2, 36:3, 36:5, 37:23, 37:24, 38:17, 38:19, 38:20, 39:18, 39:22, 41:9, 41:13, 42:8, 42:18, 43:1, 43:2, 43:19, 43:20, 44:16, 45:11, 45:14, 45:17, 45:19, 51:9, 51:22, 52:6, 52:9, 52:17, 53:2, 54:15, 55:5, 57:12, 57:13, 57:14, 57:17, 64:1, 64:2, 64:3, 64:4, 64:14, 64:19, 66:16, 68:3, 69:19, 70:2, 70:4, 71:5, 71:8, 71:10, 71:24, 72:10, 72:12, 73:13, 78:18, 85:6, 86:1, 86:8, 86:25, 87:3, 87:8, 87:9, 87:16, 87:17, 87:19, 87:21, 87:22, 88:7, 91:16, 93:12, 93:14, 93:15, 93:18, 94:1, 94:15, 94:20, 94:24, 95:11, 95:12, 96:3</p> <p>towers [37] - 23:17, 26:21, 27:15, 30:17, 31:8, 31:12, 31:16, 31:19, 33:6, 33:10, 33:14, 38:16, 38:18, 39:3, 39:6, 44:24, 45:1, 45:5, 45:20, 48:12, 52:7, 57:18, 57:19, 64:25, 66:12, 83:24, 84:5, 84:6, 85:21, 86:20, 89:1, 89:4, 92:24, 97:1, 97:18, 97:23, 98:15</p> <p>town [1] - 146:13</p> <p>TRAC [3] - 36:13, 36:14, 47:17</p> <p>tracked [1] - 35:13</p> <p>trade [2] - 148:1, 148:4</p> <p>trading [1] - 183:19</p> <p>training [3] - 22:16, 22:22, 23:4</p> <p>transcript [11] - 2:24, 2:25, 105:10, 117:23, 192:17, 192:25, 193:20, 194:7, 195:5,</p>
--	--	--	---	---

<p>196:16, 202:20 transcription [1] - 1:21 transcripts [8] - 2:15, 2:23, 105:24, 196:3, 197:4, 197:6, 197:10, 197:11 transferred [2] - 20:11, 20:13 transmissions [1] - 27:8 transmit [2] - 26:24, 27:12 travel [1] - 80:5 traveled [2] - 21:18, 70:16 traveling [2] - 71:18, 123:2 travelling [1] - 69:14 travels [4] - 69:5, 70:3, 70:10, 78:20 trial [3] - 17:25, 18:23, 135:12 TRIAL [1] - 1:5 triangle [1] - 27:21 triangular [1] - 27:14 tried [7] - 74:7, 74:8, 75:4, 105:4, 194:21, 195:15 tries [1] - 87:8 trip [7] - 54:6, 79:10, 79:14, 143:23, 144:6, 144:13, 145:18 trips [2] - 77:20, 81:5 trouble [4] - 170:1, 170:9, 170:13, 170:16 true [2] - 11:10, 28:7 truth [7] - 134:13, 135:4, 166:6, 166:12, 166:14, 166:16, 166:17 truthful [2] - 128:6, 128:9 truthfully [3] - 128:4, 187:9, 187:12 try [6] - 35:16, 74:20, 83:17, 133:20, 157:15, 179:11 trying [13] - 17:9, 25:17, 26:11, 83:24, 129:8, 130:9, 130:23, 131:6, 132:7, 180:25, 181:1, 197:15, 199:17 TUESDAY [1] - 1:9 Tuesday [10] - 44:5, 44:9, 44:12, 44:23,</p>	<p>48:7, 51:13, 53:4, 55:16, 198:17, 199:21 tuned [1] - 27:2 turn [7] - 26:2, 43:5, 60:1, 65:3, 106:24, 113:19, 117:21 turnaround [1] - 120:25 turned [3] - 17:16, 25:14, 76:7 turning [26] - 28:24, 35:16, 36:11, 39:13, 41:24, 42:14, 43:16, 44:13, 51:12, 51:25, 52:3, 52:22, 54:5, 56:11, 57:6, 57:22, 58:24, 61:11, 63:24, 67:24, 68:9, 69:1, 69:11, 69:23, 95:22, 96:23 TV [1] - 163:7 twice [1] - 119:11 two [60] - 5:11, 7:3, 7:4, 13:3, 18:24, 24:7, 27:8, 28:2, 28:23, 35:8, 35:9, 36:6, 40:20, 40:21, 40:23, 40:24, 41:7, 41:14, 45:1, 45:10, 45:20, 46:16, 50:1, 52:19, 52:20, 55:13, 57:18, 59:21, 64:25, 73:15, 73:21, 74:1, 74:4, 74:6, 75:2, 76:10, 77:20, 81:18, 83:7, 83:8, 87:6, 93:17, 95:23, 97:1, 98:15, 101:6, 102:19, 111:8, 114:16, 119:22, 131:13, 160:25, 162:7, 184:25, 200:19, 200:20 two-and-a-half [2] - 200:19, 200:20 two-day [1] - 76:10 type [4] - 8:11, 74:14, 74:22, 146:2 types [5] - 20:10, 21:14, 73:12, 74:6, 135:14</p>	<p>under [24] - 2:25, 3:2, 35:7, 41:20, 59:21, 73:9, 76:16, 100:24, 120:10, 120:11, 126:16, 129:21, 131:11, 132:16, 134:12, 134:14, 160:5, 168:10, 168:24, 172:19, 172:25, 174:8, 174:11, 187:2 understandings [1] - 134:11 understood [1] - 18:1 unfair [2] - 150:3, 150:6 unique [5] - 33:4, 33:8, 33:10, 36:6, 74:9 unit [5] - 20:9, 20:16, 20:18, 20:24, 20:25 UNITED [3] - 1:1, 1:3, 1:8 United [4] - 2:3, 128:12, 187:13, 189:6 universal [1] - 36:22 unless [4] - 2:7, 35:10, 55:12, 130:21 unnumbered [1] - 45:3 up [94] - 3:25, 4:9, 7:6, 9:17, 10:12, 10:21, 10:22, 14:4, 23:22, 25:5, 25:20, 28:17, 30:21, 30:25, 31:5, 31:16, 31:19, 33:6, 33:11, 33:13, 35:3, 35:14, 36:18, 41:9, 41:11, 43:25, 47:3, 49:14, 51:17, 53:15, 55:15, 58:25, 61:6, 69:15, 69:25, 70:3, 72:1, 73:6, 74:11, 75:13, 76:15, 79:11, 79:21, 80:19, 80:20, 81:3, 81:7, 83:8, 84:15, 85:23, 86:1, 89:22, 90:3, 90:4, 90:19, 91:8, 94:14, 94:15, 94:20, 100:7, 109:19, 115:23, 116:15, 121:12, 121:15, 124:13, 127:3, 127:6, 128:23, 134:22, 135:6, 135:16, 140:6, 150:15, 153:2, 155:6, 158:16, 168:10,</p>	<p>169:4, 177:13, 177:21, 179:11, 183:17, 184:3, 186:11, 187:7, 189:21, 191:6, 192:25, 194:1, 194:14, 197:4, 199:8 Upmanor [3] - 34:11, 37:25, 40:19 upset [2] - 4:24, 144:23 user [3] - 48:4, 87:15, 87:18 user's [1] - 87:10 users [1] - 50:6 uses [7] - 28:7, 47:7, 52:7, 52:9, 93:13, 94:1, 98:15</p>	<p>void [1] - 135:5 voluminous [1] - 199:18 vs [1] - 1:4</p>
W				
<p>W-i-l-d-e [1] - 18:17 wait [1] - 62:21 waiting [2] - 13:5, 26:13 walk [4] - 112:23, 113:15, 141:12, 141:17 walked [6] - 112:21, 112:24, 114:3, 141:15, 155:6, 156:10 walking [1] - 46:6 Wane [52] - 36:16, 46:17, 48:21, 49:1, 49:2, 49:3, 50:2, 52:2, 52:20, 55:25, 56:2, 56:7, 58:22, 64:19, 64:22, 65:16, 66:24, 67:4, 67:18, 67:20, 67:22, 68:11, 68:23, 69:3, 69:13, 69:18, 70:1, 70:12, 70:20, 71:3, 71:8, 72:2, 72:9, 72:15, 77:14, 77:18, 78:9, 78:12, 78:19, 79:6, 79:10, 80:5, 80:9, 81:3, 81:10, 81:12, 81:19, 82:10, 82:22, 93:24, 94:2 wants [2] - 131:10, 176:1 warrant [2] - 164:18, 164:21 Warwick [10] - 7:15, 38:8, 51:23, 52:11, 53:1, 90:17, 110:7, 110:14, 111:18, 112:1 Washington [3] - 20:3, 32:19, 69:9 waste [1] - 132:8 water [6] - 28:12, 28:13, 28:14 waves [1] - 21:18 weapon [1] - 8:22 Weaver [9] - 1:16, 165:24, 166:19, 167:2, 167:23, 169:16, 170:17, 177:2, 181:21 wedding [5] - 145:19, 146:15, 186:9,</p>				
V				
<p>vaccinated [4] - 18:23, 18:25, 101:5, 101:7 vaccination [1] - 101:6 vaccinations [1] - 18:24 Valentine's [2] - 103:15, 142:7 various [1] - 86:20 vary [1] - 73:11 veil [2] - 145:20, 145:25 Verizon [2] - 21:21, 31:14 versus [1] - 85:2 Vic [1] - 15:14 victims [1] - 75:23 victims' [1] - 75:13 video [1] - 2:14 view [4] - 131:19, 199:23, 199:25, 201:4 violate [2] - 135:15, 136:4 violent [3] - 20:1, 20:2, 20:6 Virginia [2] - 24:19, 32:19 vision [1] - 14:8 visit [1] - 141:25 visual [2] - 6:12, 6:14 voice [2] - 3:25, 114:15 voicemail [5] - 56:8, 56:10, 56:24, 61:1, 82:2 voicemails [1] - 81:18 voices [3] - 106:5, 107:12, 118:2</p>				
U				
<p>U.S [2] - 21:21, 167:21 ugly [3] - 162:1, 188:12, 188:14 ultimately [2] - 152:15, 168:23</p>				

<p>198:8, 198:9 wedge [3] - 27:19, 27:20, 29:2 Wednesday [17] - 55:16, 55:19, 57:7, 58:12, 59:1, 59:4, 59:9, 64:8, 67:21, 68:16, 68:19, 69:11, 69:12, 69:17, 72:2, 99:8, 200:15 Wednesdays [1] - 99:7 week [7] - 21:13, 21:17, 21:20, 22:2, 22:5, 99:7, 169:25 weekend [1] - 186:20 weeks [1] - 21:17 welcome [5] - 13:15, 17:20, 18:3, 19:2, 19:4 west [8] - 5:3, 7:1, 33:20, 51:22, 70:17, 90:7 West [5] - 7:2, 24:19, 38:6, 51:17, 90:2 Western [3] - 24:21, 77:21, 79:11 WHALEN [70] - 4:3, 4:5, 10:6, 10:8, 12:16, 12:18, 13:14, 16:24, 17:2, 17:4, 17:19, 132:2, 132:12, 132:20, 136:9, 136:11, 137:11, 137:13, 159:9, 159:10, 159:15, 159:19, 159:24, 160:3, 160:6, 160:8, 166:13, 168:14, 168:17, 168:21, 168:22, 172:1, 172:4, 172:6, 172:9, 172:20, 172:23, 173:2, 173:10, 173:11, 174:9, 174:13, 174:16, 174:17, 185:17, 185:20, 185:22, 187:5, 187:6, 189:12, 189:17, 189:23, 190:5, 190:8, 190:10, 191:18, 191:20, 192:2, 192:4, 192:21, 193:4, 193:7, 193:13, 193:14, 196:19, 196:22, 197:7, 197:12, 197:15,</p>	<p>201:7 Whalen [18] - 1:14, 4:2, 13:16, 17:1, 131:24, 136:8, 136:12, 137:10, 172:5, 172:18, 187:4, 189:22, 190:7, 192:25, 197:6, 199:10, 202:3, 202:8 whalen [1] - 159:22 Whalen's [1] - 13:23 wheel [2] - 151:22, 151:24 whereas [1] - 26:15 white [4] - 19:25, 103:7, 120:8, 133:20 whole [3] - 11:22, 108:4, 161:20 wide [1] - 20:8 wife [2] - 186:10, 198:9 wifi [10] - 26:14, 26:15, 73:17, 73:18, 73:19, 73:23, 73:24, 73:25, 74:2 Wilde [17] - 18:7, 18:16, 18:18, 19:11, 23:15, 23:24, 24:4, 24:23, 25:10, 26:18, 35:19, 63:4, 63:8, 72:23, 77:2, 77:4, 98:19 WILDE [3] - 1:6, 18:10, 202:5 Wilder [1] - 162:1 William [1] - 1:15 Williams [7] - 118:4, 147:20, 147:22, 148:1, 150:18, 150:22, 178:25 Wilmington [2] - 7:2, 32:19 winding [1] - 70:3 winds [3] - 51:17, 53:15, 69:15 wiped [1] - 124:13 Wireless [1] - 47:15 withdraw [1] - 135:8 withdrawn [1] - 117:16 witness [27] - 3:9, 3:16, 17:24, 18:4, 78:13, 98:23, 99:1, 99:2, 99:4, 99:17, 99:21, 100:10, 101:4, 103:9, 128:22, 129:17, 129:18, 129:25, 130:15, 133:5,</p>	<p>133:15, 171:8, 171:11, 175:19, 180:12, 198:23 Witness [1] - 133:15 WITNESS [20] - 3:17, 3:24, 13:15, 17:20, 18:1, 18:3, 18:12, 18:16, 19:1, 19:5, 59:13, 98:20, 98:24, 100:17, 100:21, 101:8, 166:11, 168:13, 198:25, 202:2 witnesses [4] - 15:17, 18:22, 23:19, 23:21 woman [2] - 10:2, 137:22 women [2] - 12:2, 12:3 wonderful [1] - 185:22 wooden [1] - 157:19 word [1] - 9:3 worded [1] - 179:2 words [16] - 14:2, 14:5, 14:7, 14:20, 31:11, 37:7, 45:22, 71:8, 144:23, 148:10, 149:3, 149:20, 150:22, 152:8, 179:14, 185:15 works [2] - 25:12, 26:1 worn [3] - 18:19, 18:22, 100:25 worse [2] - 177:7, 177:14 wrapped [1] - 124:13</p>	<p>192:12, 195:20 YouTube [1] - 163:13</p>
Z			
<p>ZIP [1] - 32:16 zoom [1] - 31:25</p>			
Y			
<p>yaz [2] - 108:6, 108:9 year [4] - 23:2, 138:20, 142:17, 176:9 years [11] - 19:14, 19:21, 19:22, 83:7, 83:8, 139:3, 169:5, 184:19, 184:20, 184:21, 193:11 yelling [6] - 114:17, 155:17, 155:25, 156:16, 156:19, 158:5 yellow [1] - 92:14 yesterday [5] - 4:8, 6:15, 7:8, 16:3, 137:20 yo [1] - 109:6 yourself [9] - 14:15, 14:18, 126:25, 137:21, 138:25, 159:21, 172:12,</p>			